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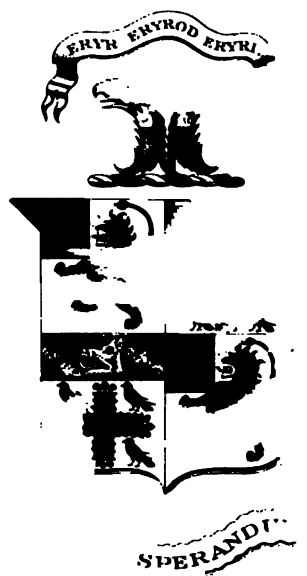
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THE PERSONAL STORY  
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THE HOUSE OF LORDS

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The Reform Bill receiving the King's Assent by Royal Commission. June 7, 1832

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# THE PERSONAL STORY OF THE UPPER HOUSE

BY  
KOSMO WILKINSON



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## CHAPTER I

### INTRODUCTORY

Scope of book explained—Analogy between the Upper House and the Crown as regards compensations of social influence for surrender of political power—The transformation of the House of Lords from a parliamentary estate into a real house of notables—Origin and development of the different styles of nobility—English adaptation of Roman titles—Early judicial and administrative functions—Popular origin of the House of Lords—Comparison with that of the House of Commons.

**H**OW the Peers of England, from being an estate of the realm, grew into an independent parliamentary assembly ; how, and by what personal agencies, the hereditary Chamber became in a sense the parent of the elective ; on what issues, by what degrees, it co-operated with other agencies to establish the House of Commons ; how then, from seeing in that Chamber its natural ally, if not its political offspring, the Upper House gradually discovered in the Lower a rival and a foe. Such will be among the earliest points to be touched upon, in an inquiry to be conducted, less in the spirit of a constitutional historian, than from the point of view most likely to find acceptance with those who read to be interested as well as to be informed.

Descending in contemporary direction, I shall show how differences of opinion between the two Chambers, arising out of the great issues raised in the seventeenth century, gradually became a parliamentary tradition and periodically reappeared in varying degrees of intensity. Of late years, indeed, the tendency in the relations of the Houses markedly has been towards compromise. Since 1880 the Peers have only cared to insist on their dissent from the Commons when they could point to some evidence of national opinion being in sympathy with themselves. For the most part, the Peers are content to show their activity and statesmanship within limits, in which the Commons readily acquiesce. The informal arrangement, thus arrived at, may perhaps remind one of the terms on and the result with which the authority and influence of the Crown are to-day satisfactorily exercised. The monarchy has been more than compensated for loss of political prerogative by the initiative and control that, in all matters touching the social welfare of the people, it is permitted, or rather expected and asked, to take.

The first male occupant of the throne, during nearly two generations and a half, has also, amid every sign of popular approval, employed his commanding position and unique opportunities in improving the relations between his own country and foreign peoples generally, in particular with England's nearest continental neighbour. Similarly the most democratic of critics to-day considers the Peers as much within their own province, when discussing diplomacy, as when debating some point of hospital management or of prison

discipline. Between the enlarged sphere of activity, to-day regarded not merely as legitimate, but desirable for the sovereign, and the recognised province of discussion and review in the House of Lords, there thus exists a real and suggestive analogy. The Lords sealed the securities of popular liberty under the Plantagenets. They failed to check the tide of Tudor tyranny. They were sometimes forced into an unpopular attitude under the Stuarts. Amid all changes in its composition or its sympathies, the hereditary Chamber, in the discussion of international relations, has generally shown the grasp and insight which, at the present day, make newspaper readers look to the report of the Lords, when the subject is a foreign treaty or a diplomatic mission, with the same interest which Budget night fixes on the Commons. The undoubted tendency of the times is to exalt and enlarge the popular estimate both of the monarchy and the peerage. Thus a parliamentary Chamber has been transformed into a real representation of all that is most brilliant or noble in the national life. So real a house of notables, if adequately maintained, must be to the living what Westminster Abbey is to the dead.

In the case of Bulwer Lytton and Macaulay, the literary renown, which made the promotion popularly gratifying, may have furnished the minister of the day with a chief motive for conferring the title. But both the novelist and the historian had at various times been, if not useful party men, after the narrow meaning of the phrase, yet prominent figures in parliamentary debate, of Cabinet rank, with a record behind

them of successful administration in high offices of State. It was reserved for the Victorian Age to witness the earliest instances of a peerage bestowed for literary achievement alone, in the instance of Tennyson, for scientific research, as with Lord Kelvin, and for varied, but mainly non-political, services to the community, in the person of Lord Avebury. In this connection, too, are to be mentioned the hereditary honours now implied by the earldom of Roberts and the viscountcies of Wolseley and Kitchener. During the period of these developments, other agencies, scarcely less significant or far-reaching, have appreciably influenced the relation in which the Upper House stands to the community at large. It will, therefore, be part of my business, not merely to trace the manner in which these results have been produced, but to depict the chief actors in the various movements, as well as to show how the public estimate of the assembly and of its proper province has been affected for good or evil, to its advantage or disadvantage, by the action and character of its individual members.

The present seems a convenient place for some prefatory remarks on the different styles, with the several degrees of dignity they indicate, of which the House is the titular aggregate. The different titles of honour borne by the temporal Lords all originate in service rendered to the Crown. The earliest dignity is that of count. This had become a title of honour under the first Christian emperor, Constantine. The Imperial *comites* in the Eastern and Western Empire constituted a council of state. Each member of this

council had his separate office in the imperial household. Under the lower empire these counts occupied different points in the scale of dignity ; this diversity was continued under the two earliest races of Frankish kings. The Mayor of the Palace had immediately under him the Count of the Palace, who, from the eleventh century onward, took precedence of the other counts ; he also presided over the court of the sovereign in his absence, and generally exercised the sovereign jurisdiction. England, as well as Spain, adopted these counts palatine, who, being gradually installed in the rule of provinces, enforced a vice-regal authority ; they thus became the pillars of a territorial noblesse. The weakness of the later Carolingian kings enabled them to convert the provinces and towns, ruled by the palatine counts as the king's deputies, into hereditary principalities. Hence the count's assumption of the name of his county as a title. These styles continued to receive a courtesy recognition long after they had ceased to have any geographical meaning. In England, during the Roman occupation, were two of these counts, one of the Saxon Shore, controlling the Kent and Sussex coasts, the other the Count of Britain, with a general supremacy over the whole island. Elsewhere counts acted as governors in the Roman Empire. Second in antiquity only to the title count is that of duke. Of dukes in the Western Empire, the number was twelve ; among these, the Duke of Britain had under him fourteen prefects. Outside Britain the Western Empire contained eleven dukes.

From what may be regarded as the origin of the

temporal lords, we pass to the spiritual peers. An interval of more than a century and a half separates the Roman evacuation of Britain from Augustine's mission, commanded by Gregory the Great. During that period the primitive English abbots and bishops were preparing to become the spiritual peers of future parliaments. More than this; the Church, in the persons of its prelates, was qualifying itself for the championship of the nation's liberties against the sovereign. This formed the foundation and the starting-point of the Peers as a parliamentary and political power. It must, however, be remembered that, before the Norman Conquest, England only existed as a congeries of autonomous principalities. The early bishoprics represent the successive conversions of independent English chiefs. Thus Canterbury and Rochester mark the adoption of Christianity by Kent. London indicates its extension throughout the Eastern and Middle Saxons. The princely see of York forms the monument of a Christianised Northumbria. That of Lichfield possesses the same significance for Mercia. Before Egbert, in the ninth century, carried out his policy of national concentration, each ruler, under the heptarchy, had been furnished with a spiritual colleague in a bishop. In virtue of their superiority, always in education and sometimes in ability, these prelates gradually formed the life and centre of an aristocratic body—the magnates of the land; they thus became to the peerage what the shire knights were afterwards to be to the Commons. They gave life and organisation to the system. After the seven kinglets had been absorbed

into the monarchy of Wessex, the superseded potentates were replaced by earls. These, together with the bishops, were the earliest members of the county courts.

In addition to being the first of municipal administrators, the lords of State and Church respectively were members of the Witan, the body of wise men that counselled the king ; but how far membership of the Witan belonged to them of right may be doubtful. Originally, at least, "lord" was a word, expressive rather of personal respect than of any legislative significance. To the earls or aldermen was assigned the military array of their locality ; afterwards they sat with bishops for legal and administrative business. The style of earls and aldermen was not always necessarily hereditary ; nor does that of earl seem to have been established till after the Danish period.

Having conquered Gaul in 486, Clovis, for purposes of government, divided the country into districts under counts ; dukes, though in a military sense the word was of Saxon use, were also among the appellations which had descended from the Western Empire. That Norman repression should have failed completely to extinguish English nationality is among the wonders of history. No application by the Conqueror to England of the methods of Clovis in Gaul effected the immediate dispossession of those native landowners who had not actually fought against the Normans. The English bishops also remained, and William himself was consecrated by Aldred, Primate of York. In the fifteenth year after the Conquest a parliament, convened by the king, con-

tained purely English Archbishops, Earls, and Barons ("barons," however, not as yet, it would seem, being a word widely employed). The Norman sovereign held his court at different places and seasons, but generally at the great festivals of the Church. Being an assemblage of the principal persons of the realm, lay and clerical, this court contained in itself an Upper House in embryo. William himself, though stern and exacting, is not generally charged with personal immorality. He denounced the outrages of this kind, committed by his victorious nobles on his conquered subjects. His friend, Archbishop Lanfranc, used his influence with the king to make the aristocratic curia, meeting on an average three times a year, an agency for checking patrician licence and for forming the nucleus of a public opinion, favourable to decency and justice. The earls, barons, bishops, abbots, and State officials, of which the court or curia consisted, also performed judicial duties. Hence the king's hereditary counsellors were always concerned with the administration of the law. Thus in 1096 William I. and his Witan tried William de Eu on a charge made against him by G. Bainard of conspiring against the king; sentence of ordeal by battle was passed. The close of the eleventh century coincides with an important stage in the organisation of the titular aristocracy. It was in 1099 that William Rufus held his earliest court in the new Westminster hall. Seventeen years later, in 1116, the barons again acquired the special experience to be gathered from the transaction of judicial business when they met in a body at Salisbury to hear the cause between

the Archbishops of Canterbury and York, on their rival claims of the two sees to the national primacy.

The dissents of the Lords have no place in parliamentary phraseology before Tudor times. The fact, however, showed itself under the Plantagenets, and the Peers composing the *curia regis* of Henry I. refused to be muzzled either by their sovereign or by his representative. At a court whose scene was Gloucester (1123), held to elect William de Corbeuil primate, many barons and earls, first freely debated, and then bluntly condemned, the royal nomination. On this occasion the king was absent in Normandy; the court was presided over by a harsh and unpopular justiciar, Ralph Basset. The Peers perhaps liked the idea of thwarting a court bully. From this time onward the Peers' organisation actively and steadily progresses. Thomas of Canterbury, the son of a London merchant, was painfully conscious that his commercial descent explained his chilly reception by his brother Peers. His appearance and occasional prominence in the assembly did much, in the popular eye, to associate it with the national cause. Henry availed himself of the great churchman's unpopularity with his order to secure the co-operation of the Lords in the deliberations on the subject, both at Clarendon and Northampton. The Peers repaid the compliment by declaring at each stage the formula, "The Archbishop lieth in the King's mercy."

The House of Lords can hardly be said to have existed before its members occupied their separate Chamber, late in the thirteenth century. Its authentic history commences with the Lords' Journals, which

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begin in 1547. The organisation that made the assembly possible has now been shown long to have preceded either of these events. That organisation had indeed reached a high degree of practical efficiency before John came to the throne. Otherwise the Great Charter would not have been granted by this sovereign. Nor eight years afterwards would there have assembled in 1295 the first complete Parliament of Edward I. The Commons, whether in the chapter-house or in St. Stephen's Chapel, from one point of view never represented more than a class—a narrow minority—of the people. There is more than superficial plausibility in Disraeli's view ("The Vindication of the English Constitution"), that the people as a whole were reflected from the first in the House of Lords. The nation had at least found its leaders among the Peers for generations before representation and legislation by the popular House had become even a dream of visionaries. This is to be explained by the fact that at first, and till the fourteenth century had advanced some way, the Lords themselves, whether in London or elsewhere, did not meet as a parliamentary estate. They came together as a Great Council, charged with the special duty of advising the sovereign. Their position was analogous to that of the clergy; these met in their own synod or convocation; so met the barons. They made no pretence of popular delegation. They assembled primarily to concert plans for curbing the king, incidentally perhaps for advancing the general interests of his subjects. The first interest of the mediæval aristocracy, binding it

together from one end of Europe to the other, was sport or war. The members of this class were not inhuman; they were merely ignorant of the needs or indifferent to the sufferings of their inferiors. Organised on a basis essentially of sectarian, accidentally of popular opposition to royal encroachment, the baronial oligarchy, between 1216 and 1262, paved the way to House of Commons control. Socially it bore little or no resemblance to the baronial estate on the continent. In England, as has been pointed out by all our historians, from Hallam and Macaulay to Stubbs, no idea of caste ever struck root. Patrician descent in this country carried with it no claim to political privilege. If the nobleman first meant the man holding hereditary court office, his children always were only in the position of freemen, except indeed by the social recognition of a distinction resting upon courtesy, not on right. Hereditary counsellorship of the king accompanying hereditary ownership of land, according to Bishop Stubbs,<sup>1</sup> formed an essential part of the conception of a national nobility. Under Henry I. and Henry II., indeed, the operation of land laws and *primogeniture*, themselves the result of feudal influences, tended towards the development of the baronage into a distinct class. Hence the earliest instance of aristocratic antagonism to popular rights; in the Oxford Parliament of 1258 the complaint was heard that the magnates, by buying up mortgages from the Jews, had possessed themselves of the

<sup>1</sup> "Constitutional History," ii. p. 177, &c.

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mortgage lands.<sup>1</sup> These movements towards exclusiveness of any kind never obtained general sanction; they were even deprecated by the nobles themselves. "There are," says Peter des Roches, "no English *pares*." Nor did the word "peer" creep into the language before the Despenser proceedings under Edward II. Not till the next century were members of the House of Lords generically entitled peers.

As with the phraseology employed, so with the facts to which it pointed. The idea of an hereditary nobility resting upon land did but very gradually define itself, more than a century after the Norman Conquest. In 1140, no earldom, created by patent or strictly descending from father to son, was in existence. For supporting his titular dignity, the ennobled person had received, not an estate in land, but an allowance from the public funds, such as the third part of the proceeds of the county court. By a later arrangement this varying percentage was commuted into an annuity settled upon the recipient out of the county funds. Originally, therefore, the territorial aristocrats and plutocrats of a later day, like the Cavendishes and the Russells, were pensioners on the people. Indeed, Edward IV., having created George Neville Duke of Bedford, proposed a marriage between his own daughter and that nobleman. There were no land or money settlements on the pair; they were to be provided for out of the county revenues of Bedford and Buckingham. For some time, there-

<sup>1</sup> Stubbs ii. pp. 181-183.

fore, a Neville actually bore the title long since appropriated by the Russells. The marriage never took place. The dukedom lapsed from lack of lands to maintain the dignity. The episode might have ended differently but for the fact that the short-lived duke's father, John Neville, Marquis of Montague, had been under the suspicion of complicity with Warwick the kingmaker in a plot to restore Henry IV. ; he had actually, it seems, fallen at Barnet, on the Lancastrian side. Notwithstanding, therefore, "the great love" that the king bore the Neville family, and that first suggested the match, grave reasons of State were afterwards discovered, which made such alliances nationally dangerous ; as the official record puts it, when a lord, called to high estate, has not livelihood conveniently to support the same dignity, it induces great poverty, and oftime causes great extortion to the trouble of divers countries. Wherefore all the titles given to John or George Neville were to be henceforth void and of no effect.<sup>1</sup>

At one point, if no more, the beginnings of the Lords present an interesting parallel to the infancy of the House of Commons. All English citizens, without any qualifications of income or rank, were eligible for a seat among the shire knights and burgesses, whose first separate place of assembly was the chapter-house. According to the feudal theory

<sup>1</sup> (i.) Rot. Chart., 8-11 Ed. IV., No. 3 (printed Rep. Dig. Peer, vol. v. pp. 377, 378).

(ii.) Rot. Parl., 17 Ed. IV., No. 16 (printed, vol. vi. p. 173).  
Quoted from Mr. L. O. Pike's "Constitutional History of the House of Lords," pp. 82 and 83.

all the king's tenants-in-chief were members of his court and council. Practically, however, the greater tenants only received a special summons. When the baronial development entered upon a new stage, under the operation of Henry IV.'s land laws, the nucleus of the hereditary chamber of to-day is to be seen, not in the baronage as a whole, but in the greater barons (the lesser barons already as regards interests and station more and more identifying themselves with the knights). The borough constituencies, in the first instance, systematically prayed to be excused from sending representatives to Westminster. The representatives themselves accepted the honour with corresponding reluctance. Nor till some time after the Commons' establishment in St. Stephen's Chapel had a parliamentary career become a general object of ambition. With the Upper House it was much the same. Under Henry I. the baronage had been chiefly filled by foreigners. Till late in the thirteenth century a baron was regarded, and popularly might have been defined, as a person holding crown lands and owing military service to the king.<sup>1</sup> The notion of personal distinction and dignity, reflected on the individual peer by his being an hereditary legislator, was probably never, in early times, universal. Certainly before the reign of John there exists no trace of the barons desiring a summons to the king's Great Council as a privilege and honour. Rather was it considered of material and pecuniary value, since access to the presence might, it was

<sup>1</sup> See the documents quoted *passim* by Mr. Pike, pp. 83-89.

hoped, mitigate the royal demands for money. Distant, indeed, though as yet was the modern idea of titular dignity, the thirteenth century had not passed before a peer's parliamentary summons had ceased to be a burden and was generally regarded as an honour. The specific agencies which brought about this change and which resulted in the establishment of the hereditary House at Westminster will be dealt with in the next chapter.

## CHAPTER II

### EARLY ORGANISATION OF THE BARONS AND STEPHEN LANGTON'S WORK

Steady progress of Barons' organisation—Sometimes retarded, however, by internal jealousies, especially between temporal and spiritual lords—Lanfranc's and Anselm's national work—How they prepared the way for Langton—Stephen Langton—His fusion of the temporal and spiritual peers into one united "House of Lords"—His relations with Pope Innocent III.—His nomination by Innocent and election to the see of Canterbury—Archbishop Langton regarded as the mediator between John and the Barons—Robert Fitzwalter and Eustace de Vesci—Langton heads the Barons, who demand their rights from King John, as expressed in the charter of Henry I.—This earlier charter the basis of Magna Charta.

ENOUGH has now been said to show that John's misrule stimulated, strengthened, and helped to popularise, rather than created, the organisation of the barons. This, indeed, had already existed for some time in a periodically effective and steadily progressive shape. Thus far, however, the lords lacked any animating principle of internal cohesion. Mutual jealousies diminished the capacity of corporate action. Especially, as throughout the Becket episode he did, could the king safely count on the antagonism,

active or suppressed, between the spiritual and temporal peerage. From the first, as in numbers, so conspicuously in knowledge, in ability and resources, the clerical lords had predominated over the laymen. The time had now come when the enthusiasm, energy, and resolution of an English prelate was to fuse a discordant aristocracy into a national agency for coercing an arbitrary and unprincipled monarch. In this manner were laid the foundations of a power which, from at first confronting, was, in the course of centuries, to control, the Crown. The Church in England, by virtue of its apostolic descent, might boast itself older than the State. Church councils had been under the Norman kings, the chief depositories of the national spirit. Lanfranc, during his nineteen years' tenure of the southern primacy, so far as a foreigner wanting in any deep sympathy with the land of his adoption could do so, may have honestly urged, alike on his sovereign and the body to which he belonged, the duty and the policy, first of promoting learning and reform in the monasteries ; secondly, of not disregarding the wants and wishes of the English people. But, beyond amiable disposition, a cultivated foreigner, unwillingly transported from his abbey at Bec, was not likely to go. It was as much as could be expected that Lanfranc should have prepared the ground for a reformer of sterner material than himself. This was his successor Anselm, who, in dealing with William Rufus, used a plainness and strength foreign to Lanfranc's gentler nature. Anselm's election to the Canterbury archbishopric, therefore, marks an epoch in the early part of the

movement whose goal was to be the signing of the Great Charter and the national recognition of an hereditary Chamber. From Rufus, Anselm demanded and obtained a council of bishops to investigate the abuses and compose the dissensions which disturbed the kingdom. The spiritual fathers might not, the primate allowed, do everything that was needed. But something at least would have been accomplished for God and for the king. Even Anselm, however, was dismayed by the conditions of his task—a people with spirit broken by long oppression ; a prelacy largely consisting of the creatures of the king. The archbishop quitted the country of which he despaired because, as the chronicler, Henry of Huntingdon, puts it, the vile king would suffer nothing good to remain. There were, however, still left in England some of his order “who had not bowed the knee to Baal.” The monks of British birth were yet, in many cases, patriots. These men, the remnant of Columba’s and Colman’s clerical settlement, had indeed, since the Norman Conquest, lost much of their purity and more of their strength. Their leaders had deserted to the king. The rank and file were left without any rallying centre. Notwithstanding his discouragement, Anselm did something to prepare the way for Langton and for Magna Charta. The idea of collective effort was at least communicated by him to the political churchmen bred of the English soil, already forming the salt of the baronial order.

Becket, it has been seen, bravely bore the brunt, not merely of the royal, but of the baronial indifference to the Church. The primate who, following Lanfranc

and Anselm, became a founder of the English Constitution was Stephen Langton. Concerning him the ecclesiastical biographer of the Archbishops of Canterbury, Dr. W. F. Hook, has said, "that whereas the barons had hitherto struggled separately, Langton taught them to form a House of Lords." His was at least the guidance under which the great nobles discovered their corporate existence to depend on united action, and especially on silencing the class suspicions which, long engrained in the temporal lords, had alienated these from the spiritual peers generally, had made them Becket's bitterest enemies. That, too, was the estrangement which explained the baronial sympathies with Henry I. and Rufus against Anselm. In Stephen Langton the barons gradually learned to recognise a leader of men whom, notwithstanding his mitre, they had no choice but to follow, as well as a priest in whom the national conviction compelled them to see a patriot and a statesman ; nor did Langton's loyalty to the Pope, his personal friend, ever place in doubt his paramount devotion to his country.

This great man demands some words of personal notice. Lanfranc and Anselm were both foreigners, Langton was English ; he belonged to a family which had been settled at Church Langton, in Leicestershire, before the Norman Conquest. If the place, or even the exact year of his birth, be uncertain, there is no doubt of his life having extended from the later years of the twelfth to the thirteenth century, He was a student at the then most famous of European universities, that of Paris. He afterwards became its chancellor. Among the Paris contemporaries of his

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youth had been a polished and exemplary Roman noble, Lothario Conti, afterwards Pope Innocent III. Langton's undergraduateship was marked by blameless and unremitting industry; he had no sooner taken his degree than he instituted on the Seine a course of theological instruction more systematic and comprehensive than had hitherto been known in the Western world. Claiming all knowledge for the theologian's province from the categories of Aristotle to the songs of the Troubadours, he fired the minds of his pupils with an exalting sense of the dignity of their future mission. Originality, ingenuity, and knowledge gathered from every quarter, characterised all his lectures. His comparison between the Mosaic system and the Church Militant involves the application to the details of the Pentateuch of quaintly rationalistic principles like those seen in the euhemeristic interpretation, adopted by Bacon, of the Greek myths. Such expository ideas, while confined to the arrangements of the Tabernacle or the Ark may not have been very dangerous. It was different when they were extended to the dogmas and mysteries of the Christian Church, especially when Langton distils a spiritual moral and meaning from a French love-song, called "The Beautiful Alice."<sup>1</sup> One of his pupils was eventually burned for heresy. With his old Paris fellow-student, who, as Innocent III., was to humiliate King John in the eyes of the world, Langton was afterwards to be brought into relations not less

<sup>1</sup> For this account of Langton's rise and teaching, see Mr. C. Edmund Maurice's work (H. S. King & Co.), especially the footnote p. 103, giving the original authorities.

close than with John himself. What Robespierre was to the French upheaval of the eighteenth century, Innocent seems to have been to the Church of the thirteenth. In other words, he was a man of hard, narrow, far-reaching views. His purpose was as clear as his will was relentless. The truth, indeed, seems to have been that, not content with being merely the "Vicar of Christ," this Pope absolutely identified his own decrees with those of the Deity. What Innocent desired, God had ordained. Nor was it for the human instrument of the Creator to swerve from his clearly defined line out of any weak compassion for human nature. Such a Pope might theoretically be a reformer; in the concrete realities of life he could not but show himself a despot. His temperament had been hardened by the events that inspired his ambition and that pitted him against Philip II. of France, from whom Innocent was to regain much, if not all, of the usurped patrimony of the Church. His example exercised on his friend Langton an influence not unlike that which the dazzling statecraft of the Spanish king was to exert over the ambition of the Stuarts. The supreme forces of Church and State were thus in simultaneous action, the one against the other. Between them Langton, in the intervals of his exile or suspension, was expected to mediate.

Stephen Langton visited Rome to find his former Paris comrade at the height of a power transcending any earlier successor of St. Peter—the protector of the emperor, the patron of continental princes, and recently invested with supremacy over the Greek

Church. Langton's stay at the Vatican completed his political education, filled him with the notion of adapting to English needs some ideas of the Papal policy. It also gave him an occasion for so signally displaying his aptitudes for leadership that Innocent could describe him as having almost presided over affairs at Rome.<sup>1</sup> In 1205 the election for the see of Canterbury was imminent. Langton was proposed, as the nominee of Rome ; two years later he became, as Innocent declared, the free choice of the Canterbury monks, who, by their choice, showed an indifference to John's threat : " If that man is made archbishop I will have him hanged." At first nothing could have seemed more unlikely than that the new primate, the intimate of the Vatican, should develop into a secular champion. Lay lords, citizens, and even priests, disliked the Pope ; they detested whatever savoured of monasticism. Probably Langton's strongest popular recommendation was the fact that his promotion had been opposed by John, and he himself excluded from the see till 1213. The clerical jealousies or intrigues and machinations of royal diplomacy that signalised Langton's elevation need not be followed here. John's persecution of the Canterbury monks, and of Langton's own relatives only made the new archbishop a hero and something of a martyr in the public eye. The first personal meeting between the king and the primate was brought about in the spring of 1208 by the interdict, under which the Pope had laid the country. Nothing came of the negotiations. Lang-

<sup>1</sup> Maurice, p. 121. Especially the authorities cited in the footnote.

ton fled to Paris, whither he attracted many of those who had suffered from John's usage, especially a little company of Oxford scholars. Meanwhile other events were preparing the way for Langton's leadership and triumph. John's treatment of the citizens of London had not been less harsh and exasperating than his cruelties against the clergy. The king had dislocated the business of his metropolis by removing the Court of Exchequer from London to Northampton. His oppression of monks and Jews was as severe as that of the nobles, on whom he could safely trample. He had already weakened the loyalty of the barons by his indifference to their interests in Normandy. These men openly denounced their king as the base successor of Richard Cœur de Lion. On the other hand, in John's quarrel with Rome, dislike and distrust of the king did not involve any zeal for the Pope. In 1211 or 1212, Innocent's excommunication of John not only freed the king's subjects from their allegiance but incited them to a series of insurrections that were not to be brought to an end till the great incident at Runnymede, three years later. A rising in Wales was followed by the open rebellion of Eustace de Vesci and Robert Fitzwalter in England. At the same time Langton's friend, Innocent, had stirred up Philip Augustus of France to a crusade against John. The English king roused himself to vigorous measures. Ships of war were to concentrate upon all the English ports. Viscounts and barons were to raise soldiers for the king. Perpetual slavery was to be the punishment of all able-bodied men who would not take up arms for their sovereign. A failure,

less in response to this call than in the commissariat, caused the really imposing national force thus raised to melt away. The affair ended in John's surrender of his crown to Pandulf, to receive it back as a fief from Rome. A new chapter in Langton's history and development now opens. The several privileges or rights of the Church and of the subject had engaged Langton's attention during, and more especially after, his first exile from England. The liberties in question had been provided for by the laws of King Edward the Confessor; they had been more definitely promised in the charter of Henry I., and had indeed supplied Anselm with a practical check on the power of that king. King Edward's laws and Henry I.'s charter soon became Langton's and his followers' watchwords. They meant less a specific precedent than a government, under which the persons and properties of all subjects should be guaranteed against outrage by the king or his agents. On the continent Langton had seen the autocracy of his old fellow-student, Innocent III., generally and effectively exercised on behalf, not only of religious orthodoxy, but of moral right and social order. True, the king in France was the patron of arts and letters, in addition to being the loyal son of the Church. Philip thus presented a complete contrast to John, but Langton scarcely exaggerated, if he supposed the Pope to be the most active and indispensable of personal force for moral and political good. And what Innocent was, that Stephen of Canterbury, before his final re-settlement in England, had resolved to be. With his countrymen generally he had shown his sympathy in his

efforts to mitigate the severity of the Papal interdict against them.

The barons, as a class, had received substantial proof of his goodwill in the agreement made by him with the king, allowing two, among the most conspicuous of their order—Robert Fitzwalter and Eustace de Vesci—to return from exile to England, fully pardoned for all their offences. With regard to the former of this pair, opinions differ as to his character ; was he a patiently enduring hero, or a cowardly waiter on fortune ? About de Vesci, it seems never to have been questioned, either that his nature was as noble as his race, or that he had good reason for distrusting and hating his king. His wife, it seems, had given him a ring, whose despatch by a messenger would bring her to his side on any emergency. John, knowing its significance, possessed himself of the trinket, sending it to the lady and, on some pretext or other, getting rid of the husband's company. The plot, however, miscarried. The first person met by de Vesci on leaving the royal presence was his wife. This baron, therefore, had some motive for being found among the partisans of Langton. Stephen's ascendancy over his class was but gradually gained. A certain vague suspicion of him among the people was, with great difficulty, and perhaps never completely, dispelled. He was yet labouring to secure the relaxation of the interdict when, according to Roger of Wendover, a significant and disagreeable incident took place in the church where he was preaching ; his text had been the Psalmist's words, "My heart has hoped in God and I was helped, my flesh has

rejoiced in Him." Suddenly a voice from the congregation cried out, "Thou liest! Thy heart has never trusted in God, nor has thy flesh rejoiced in Him."<sup>1</sup>

Whether the interruption did or did not express a prevailing sentiment, Langton had already obtained the promise from John to concede the stereotyped demand of restoring Edward's laws and giving back to every man his own. At this time, John seems to have believed he could bribe Langton to influence Pope Innocent to suppress the early signs of baronial rising. The barons, however, refused to follow their king against Philip of France; during his absence abroad they held a meeting at St. Albans, demanding the restitution of the Church property which the king had seized, denouncing the whole royal system of government, and especially the court's corruption of the judges. The king replied with the attempt to raise an army against the barons. Langton at once reminded him that this was what he had pledged himself by oath not to do. "A mere ecclesiastic such as thou art not to meddle with lay affairs," was the sovereign's rebuke. The archbishop promptly threatened to excommunicate all who should follow the royal standard.

Amid the disturbances at home and abroad, following the reign of Henry I., many documentary guarantees of national rights had been lost. The important charter, so often mentioned at the period now reviewed, appears to have been forgotten by the barons, if it were ever known to them, and only to have been

<sup>1</sup> Roger of Wendover, vol. iii. p. 249. As quoted in Maurice, p. 165, footnote.

appreciated at its real value by learned students of the State archives, like Stephen. Liberty of the family, of land-holding and in the Church formed the subject of the chief clauses in this instrument. The complete charter provided a foundation for the greater charter which was to be wrung from John. But its chief practical value in the thirteenth century was that it supplied the archbishop and his friends with a rallying cry, absolutely necessary at that time for completing their organisation and gathering their order and the nation round them. At the first moment practicable, Langton convened the lay and spiritual lords in council at St. Paul's. The baronial leaders on this occasion seemed principally to have come from beyond the Trent. They were the men who afterwards were to concentrate at Runnymede; the safe conduct given them designates them Norenses or Northumbrenses.<sup>1</sup> The methods adopted and the arguments used by Langton himself presaged the tactics to be followed in the seventeenth century by Eliot, Hampden, and Pym. Langton's address at St. Paul's formed an appeal to prescription. "We ask," he said in effect, "nothing more than we long since received from other kings, and the observance of guarantees, consecrated by the most solemn oaths of sovereigns." Practically the demand, with which the lords now confronted the king, was not for innovation, but for restoration. For the present, let John fulfil those promises to which he stood committed in the eyes of heaven. For the

<sup>1</sup> Hardy's Patent Rolls, p. 11, and Dunstaple Annals, p. 43.

future, no one denied the absolute supremacy of the Crown. All were entitled to expect that this power would be exercised by John, as it had been by his predecessors, within the written laws, as well as the unwritten limits, of English kingship.

"Did I not," exclaimed Langton, "when I absolved the king at Winchester, make him swear that he would destroy unjust laws and restore good laws, causing the laws of England and Henry I. to be observed in the kingdom by all? And now, has there not been found that charter of Henry, by which, if you will, you can bring back liberties, that have been lost to their original condition?" This speech was received with deep and unanimous applause. When the orator had read and produced the earlier charter, his hearers, each and all, swore to enforce its performance by John. The occasion was absolutely the first, on which peers, varying in their degrees of dignity, spiritual and temporal, had come together from all parts of the kingdom to one central point. The St. Paul's Council formed, in fact, the full-dress rehearsal of the Runnymede performance. Their dislike of Becket, their indifference to Anselm's efforts under Rufus, and their jealousy of Hubert's influence with the court seemed all to be forgotten. Lay or clerical, smaller or greater, northern or southern, the lords at last stood, a compact body, before their fellow-subjects and the throne.

A full account of this demonstration in the heart of his capital may not have reached John for some time. He no sooner gathered its meaning than he tried to depreciate its importance. He would have withdrawn

attention from it by diverting the popular mind to other, and more stirring, issues. He was suddenly shocked to discover the diffusion of heretical opinions in different parts of his dominions. He despatched throughout England preachers of a new crusade. Meanwhile he looked for help from the Vatican by protests and fresh proofs of his complete servility to the Pope. For his personal safety he depended on the Flemish mercenaries who formed his bodyguard. Nor were the barons, under Langton, his only, or perhaps his chief, enemy. By wounding them at their most sensitive point he had embittered against him all the citizens of his capital. London, as was shown again so often under the Stuarts, has always been marked by a passionate attachment to its municipal privileges. By removing to Northampton the Court of Exchequer, John not only outraged the sentiment, but seriously disturbed the business arrangements of the city. Incidentally he imparted a new sting to the hatred of him, borne by some of his greatest nobles. Baynard's Castle then stood in a London suburb. By levelling it to the ground John had not only excited the vengeance of its owner, Robert Fitzwalter, he had inflicted material injuries on Fitzwalter's powerful friends and relations, whose interests were bound up with his own. Civil war between the king and his nobles now raged sporadically and intermittently throughout the country. The barons were but ill-organised. They seemed to have gained few successes in the field. The king's brother, the Earl of Salisbury, and Savari de Mauleon, on the royal side, altogether outmatched in skill and experience

any leaders in the opposite camp. Whatever the cause, the king did little justice to his military advantages. He had always been subject to panics. Some terror of that kind resulted in his practical discomfiture now. It extorted his consent to the meeting of Runnymede.

That this meeting was due to the influence of Langton and the bishops is stated in the preamble of the charter. The fact is also revealed by the letter of those concessions to the Church, in the first article, which are known to have formed the subject of previous negotiations between Stephen and John. By the ecclesiastical writer already mentioned, Dean Hook, it has been objected to some clauses in this famous document that the archbishop and his followers were intent chiefly on securing their own selfish interests. Security for the property, as for the persons, of themselves and their families, was, however, an object shared by them with the whole nation. Another clause stipulated that the Courts of Justice should not follow the Court of the King, but remain in a fixed place. If the barons be thought in this to have been animated by a wish to place the administration of justice in their own hands, the suspicion is sufficiently disposed of by the forty-fifth clause, empowering the king to make justiciaries, constables, sheriffs, and bailiffs from those who know the law of the land and wish to observe it. Himself a representative of his epoch, Langton, by his personal effort, secured the adoption of something like the representative principle in the fourteenth clause, which provides that if all the peers called by the king to his council

are not able to come, he shall be guided by the worthiest of such as are present. Associated with Langton in that enactment, as in others, was the Earl of Pembroke. This patriotic reformer had been reluctantly drawn into opposition to the king, chiefly, if not entirely, on national grounds. The protection of John's person by foreigners and their establishment in English estates and castles, seemed an attack on that principle of nationality in whose defence Pembroke wished to unite the whole peerage.

## CHAPTER III

### SOCIAL SIDELIGHTS ON THE THIRTEENTH-CENTURY PEERAGE

Simon de Montfort, Earl of Leicester, compared with Stephen Langton—Other thirteenth-century leaders in the Lords—William, Earl of Pembroke and de Clare, Earl of Gloucester, respectively the soldier and the statesman of the Barons—Leicester and King Henry III. — The Mad Parliament at Oxford and those who took part in it—Bohun, Earl of Hereford—Bigod, Earl of Norfolk—Walter Cantilupe, Bishop of Worcester—Fulk Basset, Bishop of London—The Provisions of Oxford—The Barons' War—The baronial the popular party—Dissensions among the Barons—Gloucester's indecision—Earl Simon as the first Protectionist—The Barons aggressors after the Amiens Award—A Pluralist of the period—Secession from the baronial party of Prince Henry of de Vaux, L'Est-range, de Clifford, de Leybourne, of the Earl of Warenne and Surrey, of Percy and of Fulk FitzWarren—Rapprochement between Scotch and English Peers, produced by reviving loyalty—De Sandwich, Bishop of London, Cantilupe, Bishop of Worcester, in concession to opinion among the Peers, sent to negotiate with the king at Lewes—Failure of this mission to the king—Preparations on both sides for the Battle of Lewes—Social interest and significance to the peerage and the country of that battle and its results.

**A**LTHOUGH traditionally associated with the beginnings of the House of Commons rather than of Lords, Simon de Montfort was noble by

birth and the Earl of Leicester by inheritance. The mediæval peerage presents no personal contrast more marked than that between the archbishop, who, in the process of wringing Magna Charta from the Crown, consolidated a heterogeneous baronage in a single estate, and the earl who, finding the idea of representative government in the primitive institutions of the land, formally embodied it in a system at Westminster. The chief characteristic of Langton was self-distrust, tempered by absolute self-surrender to what he regarded as the divine leading. He also is entitled to a place among the constructive statesmen of England ; he had formed a clear vision of a polity, in which the Crown and the peerage should co-operate for the national good by balancing without enfeebling each other.

The Earl of Leicester, a more attractive, at least a more graceful and showy figure than the archbishop, resisted despotism, but did not organise liberty. Much of his success was owed by Montfort to the incapacity of the king. The material of which, from the first, Langton knew John to be made, was iron. In Henry III. Leicester was manipulating wax. Cultivated and liberal to magnificence, Henry was among the most agreeable of English sovereigns : virtuous, even pious and impulsive, he yet had little of greatness ; he interested men by their temerity rather than awed them by his courage. Neither John, indeed, nor Henry, knew any scruples of justice or truth. Both half amused, half terrified those who approached them by the grim sarcasm of their manner and their talk ; but the sarcasm of John overflowed with a

brutality, from which that of Henry, save when acted on by the coarsest passions, was generally free. It would almost seem as if Langton and Montfort recoiled in such disgust or horror from the vices or failings of the two kings with whom respectively they had to do, as to be impelled into the opposite virtues. Hence the effect of Langton's dealings with the arrogant, brutal, and heartless John was to deepen his own natural diffidence and to supply an additional motive for delaying overt action till forced upon him by destiny. Montfort had watched with contemptuous impatience, Henry's systematic irresolution often masquing as energy; he had seen its practical impotence. His own determining qualities were, therefore, of an exactly opposite kind. When the Crown's autocracy had been curbed Leicester's life-work was done. It remained for minds cooler and more constructive to organise the results of popular or Parliamentary victory. When Langton passed away some of the labours most adapted to his genius were only just beginning. Montfort's aggressiveness, ambition, and violence, may not have been in excess of the virtues allied to these faults. His temperament, however, was that of which dictators, as well as liberators, are made. Had he lived longer, if he had not discarded them altogether, he might have developed his germinal notions of representative government into instruments of tyranny. He passed away, leaving the barons, whom he had led, to relapse into inactivity and impotence. Rather, perhaps, it should be said that they were to wait till some fresh provocation of royal encroachment welded them again

into a living force of opposition to the Crown. The action of the Whig peers, who in 1688 invited a Dutch prince to the throne vacated by James, finds its earliest precedent in the offer by the British barons of John's crown to Prince Louis, son of Philip of France. Only William, Earl of Pembroke's statesmanship and patriotism alone prevented the thirteenth century from witnessing the conversion of England into a province tributary to France. Among the barons ready to rally round Leicester, Pembroke stood forth as the incarnation of military zeal and political address. Charged with the regency till his death in 1219, he was a model for imitation by the future Edward I. His marriage with Strongbow's heiress had made this English magnate a territorial prince in Ireland, where he owned estates amounting to nearly one-third of the whole country. Pembroke's genius and the marriages of his children had diffused his influence through the whole peerage. Nor but for him could, in all likelihood, have been averted from the peers the wholesale confiscation and proscription which Peter des Roches, the arch enemy of the order, urged upon the English king.

Under the leadership of Leicester and de Clare, Earl of Gloucester, at least three-fourths of the entire peerage were ranged against the Crown. If Pembroke were pre-eminently the soldier of the barons, Gloucester, after Leicester, was their statesman; from the first, a consistent champion of the people by his great personal qualities, especially by his gift of clear, forcible diction and his constitutional knowledge, he had won a place among his

peers scarcely below that of Pembroke or Leicester himself. Like the two other earls, de Clare of Gloucester and Hertford, Leicester was allied by marriage with the royal family. Personal affronts as well as political ambition had driven him, among the rest, from the ranks of the courtiers into those of the opposition. To Leicester, when, as Simon de Montfort, he began, few disadvantages were, it might have been thought, wanting. He was a foreigner by birth, and a member of the royal caste by his marriage with Henry III.'s sister, Pembroke's widow. His grandfather, indeed, the third Count de Montfort, himself of royal descent, had married an English heiress, daughter of Robert Fitzpamel, Earl of Leicester; this alliance gave Earl Simon large English estates, as well as the hereditary dignity of the high stewardship. In 1232, therefore, his grandfather, Fitzpamel, having died, the fourth of the Montfort counts became Earl of Leicester, and, as such, a natural leader of the English lords. Established at the English Court as high steward, he encountered his first rival in Bigod, who also claimed, as a family right, the privilege of holding the basin of water at the Queen's coronation. "A woman who has lands of her own makes the most desirable wife." Acting on that maxim of a social philosopher of the period, Leicester had sought a marriage, first with Matilda, Countess of Boulogne, afterwards with the great heiress of the Low Countries, Joan, Countess of Flanders; both projects had been frustrated by the French king. In the Princess Eleanor, who, in 1224, had married the distinguished personage already

mentioned, William, Earl of Pembroke, Leicester found a consort fitted, by congenial traditions, for a baronial leader. The match sealed the enmity between the king and his brother-in-law. It did not, however, prevent Leicester from helping Henry III. by the suppression of the revolt among his Gascon subjects; for this service, according to his own account and that of Adam de Marisco, Leicester was repaid with "contumelious reproaches," endured with calmness and moderation. Some polyglot or macca-ronic doggerel of the period records a conversation between the king, Bigod and Leicester, on French affairs. These verses, at least, do not enshrine any conspicuous instances of mildness and sobriety in Leicester's speech. With motives not unlike those which had made David desire to set Uriah in the forefront of the battle, Henry III. sent Leicester, soon after he had returned from his first expedition, a second time to Gascony. Leicester finally came back to find he had been deposed in his absence from several of his appointments. Eventually after his various residences abroad in the king's service, Henry (1254) seems to have agreed to pay Earl Simon the compensation he asked.

It was a time of national distress, as well as of royal impecuniosity. The king paid the penalty of his extravagance. Throughout the year 1257 the weather was so bad that the harvest had failed, and fruits of all kinds had refused to ripen. Wheat was diverted from the ordinary trade channels to the royal granaries. Hunger sharpened the discontents which misgovernment had caused. His foreign

origin had not prevented Leicester from being an English patriot. So the Norman blood of the other great barons did not weaken their determination to resist the king. The early history of the peerage reflects, indeed, the assimilation between the indigenous and foreign elements of the population. In the thirteenth century the process was tolerably complete. Consequently the House of Lords had become equal to harmonious and effective action. "The earl, inspirited and puffed up by success, glorying beyond measure in the prowess of himself and his sons, displayed towards the king and the prince, whom he made travel about with him, an unheard-of wantonness of guilt, exceeding in arrogance the very pride of Lucifer." Such is a royalist chronicler's (Wyke) description of Leicester, at the moment he and his party were preparing for the Oxford meeting, in the spring of 1258. Leicester's temper towards Henry III. borrowed fresh bitterness from the sense of material and pecuniary loss. As regards his earlier undertaking to indemnify Simon, Henry bluntly answered that he "would not stand to any promise made to one who proved a traitor." The earl's reply was that "the king lied, and, but for his crown, should be made to eat his own words." Recriminations such as these were not of auspicious omen for the Oxford assemblage. As a fact, the strength with which the Lords mustered suggested a pitched battle rather than a Council of State. The average attendance of barons on ordinary occasions seldom exceeded thirty. At Oxford they appeared nearly in their full number—one hun-

dred.<sup>1</sup> They brought with them their retainers, sixty thousand strong, all armed to the teeth. Assembled at the Port Meadow, they told the old story and renewed the familiar demand. "Back to Magna Charta" furnished the motto of this, as of many other gatherings. The Great Charter had provided for the orderly inheritance of property, had forbidden the marriages of the king's feudal wards to unsuitable husbands, the excessive grants of lands to foreigners, and, generally, the holding by aliens of national castles and fortresses.

Among the barons who grouped themselves round Gloucester and Leicester at Oxford were Bohun, Earl of Hereford, and the Earl Marshal, Bigod, the greatest aristocrat and plutocrat of Eastern England. Grosseteste, Bishop of Lincoln, whose name is indifferently written Grethead, had brought to Oxford University, of which he was now Chancellor, the widest and most various learning of his time from Paris. According to one account, he took his place among the barons in Port Meadow. The spiritual lords were certainly represented on the occasion by the ecclesiastical diplomatist, Walter Cantilupe, Bishop of Worcester, and by Fulk Bassett, Bishop of London, the latter apparently not unalterably decided as yet whether to place his mitre in the royal or the baronial scale. The Mad Parliament remained in session an entire month. After the Statutes had been

<sup>1</sup> Altogether there now existed some two hundred and fifty baronies; some of these were suspended; more were concentrated on the same individual. Thus Prince Richard, Earl of Cornwall, held no fewer than eighteen.

formulated, came the business of swearing allegiance to them. Henry himself took the oath first, as he was afterwards the first to break it. Some of his sons followed. The king's half-brother and his brother-in-law, de Warenne, not only declined the oath, but most solemnly swore to surrender nothing of the castles or land committed to the king. A like refusal was given by Leicester's old enemy, William de Valence. Earl Simon's impetuous rejoinder, "You shall either give up the castles or lose your head!" acted as a hint with those who differed from Leicester to leave Oxford at once. Several of them went to Winchester.

The events that followed the Oxford Parliament belong to general history. If Langton had been the first to educate the barons into a Parliamentary assembly, it was under Earl Simon that they came to be regarded as the representatives of the nation. This character they had, to some extent, gained long before the war broke out; for, on the appointment of a regency and of ministers, during Henry's youth, soon after his accession, the nobles, who formed the king's Common Council, asserted on behalf of the people their right to a voice in the nomination. Throughout the actual struggle the baronial party was undoubtedly the popular one. The South of England then contained towns which were of the same importance to trade and manufacture as the great centres of Lancashire and Yorkshire are to-day. From the Midlands to the Channel coast the population was, nearly to a man, for Montfort. Their sermons in London and throughout the country gave

the preaching friars something of the influence afterwards to be exercised by the pamphlet or the newspaper press. With few exceptions the clergy were unanimous for the lords.

"It is to your ancestors, my lords, it is to the English barons, that we are indebted for the laws and constitution we possess ; their virtues were rude and uncultivated, but they were great and sincere ; their understandings were as little polished as their manners, but they had hearts to distinguish right from wrong, they had heads to distinguish truth from falsehood ; they understood the rights of humanity, and they had spirit to maintain them." Such, in a speech delivered January 9, 1770, was Chatham's verdict on the policy, the action, and the motives of the great personages in the Upper House during the period now under review. Neither the Provisions of Oxford, nor the victories won in the war provoked by the king's evasion of those Provisions, would in themselves have been enough to justify the eulogy of the elder Pitt. After Oxford, the lords were as much the absolute masters of England as were John Pym and the House of Commons in the Long Parliament, four centuries later. Nor were greater dangers to the public welfare threatened by the factions at St. Stephen's, which overthrew the Monarchy and the Upper House together in 1649, than had seemed imminent after Leicester and his friends had stood conquerors on the field of Lewes. The dissension between Gloucester and Earl Simon was only one of many feuds dividing the chiefs and portending, as it seemed to most observers, the loss of all that had been gained. That

peril did not indeed finally disappear till a generation later. There was no need for Bohun and Bigod to levy war against Edward I. Supported by the spiritual lords they had but to refuse to accompany their king to Flanders. In 1298 Edward signed the confirmation of all the charters at Ghent. Another meeting of the barons at Salisbury, which was called a Parliament, but which might easily have proved the beginning of another war, had prepared the way for that crowning triumph. The differences which separated the prime authors of the baronial victory are of obscure and disputed origin. According to one account, Lady Leicester's intervention in political affairs exasperated her husband's colleague. Another account represents de Clare as reviving against Simon the old charges of extortion and cruelty in Gascony. The more simple and probable explanation is that the cautious Gloucester's pace was too slow for the tempestuous Simon. The metrical chronicles of the day, in their choice mediæval Latin, reproached Gloucester with his hesitation in enforcing the reforms determined at Oxford. "Do you, my lord of Gloucester, as the most eminent of us all and so the more strictly bound to these wholesome statutes, deliberate in doubt," was a question impatiently passed from lip to lip. Gloucester's hesitation was shared by Bigod and Bohun. Generally, however, de Clare must have thought opinion against him; after a prolonged fit of sullen silence he withdrew to France.<sup>1</sup> So soon as Henry was decisively disarmed relations were developed

<sup>1</sup> Blaauw's "Barons' War," p. 86, especially the original documents quoted in the footnote.

between the sovereign and his opponents in the thirteenth century, not unlike those which, after the king's substantial concessions, the moderate and extreme nationalists respectively were to occupy four hundred years later towards Charles I. On the one hand, all the popular rights set forth in Magna Charta and in other documents were now said to be sufficiently established. The king had given up the strongholds to occupants whom the barons could trust. It was therefore unnecessary and impolitic further to humiliate him before the whole world by reducing him to absolute impotence. In the seventeenth century the profuse expenditure by Charles I. of money on jewellery for his queen, during a period of industrial depression, excited popular bitterness. In the thirteenth century a sinister construction was placed on the committal by Henry III. of State or Court treasure to his sister-in-law, the Queen of France. Among the articles which some of the barons complained had thus been sent out of the country were the King's great crown, three smaller gold crowns, three gold combs, sixty-six girdles, two hundred and eight jewelled rings, two golden peacocks which poured sweet waters from their beaks.<sup>1</sup> Details like these open up a sufficiently long vista of possible disputes between Gloucester and Leicester, as between the others, to say nothing of the ladies of their respective families. Gloucester soon returned from his absence abroad, with a personal influence increased, rather than diminished. Leicester's sons may have in-

<sup>1</sup> Blaauw, p. 93.

herited their father's least amiable qualities in an exaggerated form. But though, for the time, this circumstance was not favourable to baronial unity, Gloucester seems to have acted cordially enough with William Montfort. Gloucester's son had married Henry's niece. Eventually, Gilbert, Earl of Gloucester, perhaps went with the barons, but he was always on the side of compromise. In one matter of national interest outside politics Leicester and Gloucester, in spite of their disagreement on subjects of state, successfully and consistently pursued the same patriotic ends. The Oxford Provisions were first solemnly proclaimed, October 18, 1258, and were published in every county, together with Magna Charta, in English as well as in French and Latin. Henry's circular letter on the subject forms the earliest State paper in the English language. The idea of employing the vernacular in State documents originated with the barons generally, and with Gloucester and Leicester in particular. In this matter the sons and successors of both these men to some extent prepared the way for the nobler and more organic service to the English tongue, afterwards to be rendered by Geoffrey Chaucer.

Leicester's political strength, as has been already seen, lay chiefly in the towns and among the traders. For us of the twentieth century it may be interesting to know that more than six hundred years ago a cause, scarcely distinguishable from that of Fair Trade, had its champion in this remarkable man. The legates from Rome, charged with the execution of the various Papal interdicts under which England

was laid, aimed at nothing more than the destruction of the rising commerce of the country. Leicester defied these attacks; he would have punished those who made them by keeping out foreign goods. British resources were, he said, sufficient to supply all native wants without the intercourse of foreigners. "This," remarks the royalist chronicler, Wyke, "was done to tickle plebeian ears, and was, of course, absurd, seeing that the interchange of goods from divers realms furnishes all sorts of advantages." That may be true enough. It does not, however, do away with the fact that centuries before Free Trade and Fair Trade had become political war cries Earl Simon may be called the first and greatest of mediæval Protectionists.

Only a spirit of mutual compromise could have discovered a basis of peace in the Provisions of Oxford. Their repudiation by Henry made them a signal for war. For the failure of the Award of Amiens, responsibility rests chiefly with the barons, who had solemnly sworn to be bound by the arbitration of the French king. With Archbishop Boniface and other prelates, who watched the Amiens proceedings in the national interest, was seen the strongest churchman of his time.<sup>1</sup> John Mansel showed a contemptuous indifference to the highest prizes of his profession. The great ecclesiastical pluralist of the day, he had refused many mitres, because none equalled the collective value of the benefices he held. He exercised extraordinary influence, both in Church and State, and

<sup>1</sup> Blaauw, p. 113.

lived a life of splendour and pleasure. The dramatic suddenness and completeness of his fall seem like a presage of Wolsey's fate. After assisting at the Amiens proceedings, he never returned to England, and died abroad in poverty and wretchedness. Earl Simon had set out for Amiens; an accident to his horse prevented the completion of the journey. With Leicester, the failure of the French negotiations had been, from the first, a foregone conclusion. By leaving nothing undone which could fulfil this anticipation, he and his brother peers now became the aggressors. The immediate result was the loss of some of their best men. Amongst these was Leicester's own nephew, Prince Henry, son of Richard, King of the Romans. "I care not for your weapons, my lord, but for your inconstancy; go your way then, return with your arms, for I am in no ways afraid of them." In this manner did his uncle receive the young prince's defection. Other deserters were de Vaux, L'Estrange, de Clifford and de Leybourne. De Clifford had hitherto been almost as fiery and firm among the anti-royalists as Leicester himself; he it was who, when the king sent him an unwelcome document, bade the messenger, by way of reply, "eat up the writ, parchment, wax and all." De Leybourne, more than most others of his order, seems to have represented the common-sense view of the Amiens episode.

"A valorous wight,  
With no ifs and buts,  
But plain downright,"

is the popular summary of his character. To de Ley-

bourne, as to many others, it seemed that by the expulsion of the aliens and the surrender of the fortresses the Court had already made a sufficiently practical confession of defeat. So general and deep among them had this feeling become that, before the decisive trial of strength at Lewes, the barons felt it necessary to make a last show of their wish for peace. The fact of both the men now chosen to deal with the king being spiritual lords proves that, throughout the thirteenth century, the prelates maintained their earliest reputation for conciliatory wisdom and diplomatic tact. De Sandwich, Bishop of London, was, as his predecessor, Fulk Basset, had been, a liberal-minded churchman, of the pattern set by Grosseteste of Lincoln. Sandwich's courage and aptitude for affairs were shared by his present colleague, Walter Cantilupe, of Worcester.

The most active spirit among the royalists was Mortimer, grandfather of the favourite, executed by Edward III. Among those who were now attracted by this great patrician to the king, was the most generally respected member of the order, the seventh Earl of Warenne and Surrey; with him now came Percy, whose estates in Sussex were only less than his principality in Northumberland. The negotiations at Lewes and Northampton also restored, somewhat unexpectedly, to Henry, an interesting and typical figure in the social history of the age. FitzWarren had been brought up in Henry II.'s palace, with the royal family and the Welsh prince, Llewellyn. A game of chess with Prince John led to a quarrel that sent FitzWarren upon the world. He is next heard of

in many foreign countries—always in disguise. He goes for a crusader. On his return, wearing a monk's cowl, he is married to Maud Vavasour by the archbishop. "Now, Lords, all at Fulk!" was the order given by the French general, during one of the battles he was engaged in. "Yes," rang out, above the clash of steel, FitzWarren's answer, "and Fulk at all." He distanced all competitors in the tournaments of the time. He varied the monotony of these victories by turning pirate. Eventually he made a quiet end; settling down to domestic life on his Shropshire property, he founded the priory of Alverbury, where, with his two wives, he was buried.

For the first time in the narrative of the peerages of the United Kingdom, devotion to the English crown brought at Lewes the north British peers into close relation with those of the south. The King of Scotland, Alexander III., had become Henry's son-in-law by his marriage with Princess Margaret. Both a Balliol and a Bruce did him suit and service on the Sussex downs. On the evening of the day they had been despatched to the royal camp at Lewes (Tuesday, May 13, 1264), Cantilupe and de Sandwich returned to Montfort, with the announcement that the last hope of conciliation had disappeared. The sword alone could bring peace to the Church and liberty to the State. The episcopal mission had indeed, as the prelate said, made war inevitable; it had further embittered the differences between the two parties. The lay lords had become even more jealous than in Langton's time they were of their spiritual associates. The proud barons, who, confident of victory, sur-

rounded Henry, discovered an intentional insult in the selection of the two episcopal mediators. Leicester has been charged by the historian, Hume, with hypocrisy. The Roman Catholic, Lingard, merely remarks it was Montfort's peculiar talent to persuade his followers that their own cause was also the cause of heaven. Returned from his errand to the king's quarters, Cantilupe, on what all now knew to be the eve of battle, exchanged the duties of a priest for those of an ambassador. Round him knelt devoutly Leicester and his men. The bishop bestowed absolution upon the prostrate general and his surrounding host. After this solemn function, they all put a white cross on their dress, partly as a badge of the religious sanction now bestowed on their arms, partly because combatants on both sides, often blood relations, displayed the same banners or ensigns, and some additional mark was necessary to prevent confusion between the two parties. Its military and political results need not be dwelt on here. The Battle of Lewes incidentally throws an interesting light on the social evolution of the peerage. From it dates the more general adoption of armorial bearings by noble families, as well as a deepened contrast between the titled aristocracy of England and the feudal caste of other countries. Till the thirteenth century had entered on its second half, the frequency of their inter-marriages and other exclusive usages made the great nobles few in number. As a consequence, except at great national crises, they kept themselves apart from the body of the people. The period of the Barons' War not only identified

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the order with the championship of popular rights ; it promoted the social amalgamation between the victors and their plain fellow subjects. This process was, to some extent, typified in the personal composition of Leicester's army. The Court nobles received the volunteers ungraciously enough ; "bran-dealers, soap-boilers, and clowns" seem to have been the exact words used. But the Londoners who had poured forth to join Montfort did not disgrace themselves in the field ; they thus showed their lordly comrades that gallantry and prowess in war were not necessarily the monopoly of men who regarded arms as the only things worth handling.

## CHAPTER IV

### FROM MONTFORT TO THE DESPENSERS

The Earl of Leicester's character and influence—His successor found in his second son Simon—True character of the young Montforts—Clare of Gloucester, the renegade—His bitterness against the Montfort family baffled by the intervention of other royalists—Earl Simon's widow and her daily life as illustrations of fashionable life in the thirteenth century—*Sic vos non vobis*, as a motto for the Peers in this age—The victories of the Barons to be fully realised in the triumphs of the Commons—Leaders in the Lords under Edward I., Robert Burnell, Walter de Merton, Archbishops Peckham and Winchelsea—How the spiritual lords rallied the temporal Peers and the nation round them against Edward I.'s efforts at dictatorship—Edward II., Thomas and Henry of Lancaster, and the Despensers—Life in the Lords during this period.

DE CLARE, Earl of Gloucester, the only other candidate for the leadership, had died in July, 1262. From that date onwards Leicester had been the life and soul of the baronial party. Wyke's account of his credentials for the office reminds one, in its reluctant circumstantiality, of Clarendon's testimony to the qualifications of John Hampden or Pym for ascendancy over the House of Commons. "Forethought, circumspection, complete soldiership, abounding in excellent stratagems, not degenerate from its

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high ancestry and gifted with divine wisdom." Such were the properties which the royalist chronicler of the Middle Ages admitted Earl Simon to possess. Of Montfort's personal magnetism or his capacity to stamp his own idiosyncrasies upon the cause he took up, his entire career furnishes a continuous proof. From the Provisions of Oxford to the Battle of Evesham the policy of the nobles was his and his alone. The Mad Parliament of 1258 formed a prelude to the bloody drama whose first act ended on the Sussex downs in 1264. The curtain then fell on the transfer of the executive from the throne to an oligarchy. Between these limits of time the practical result of each episode was what Leicester's genius planned it should be.

"Tis wonderful  
What may be wrought out of their discontent,  
Now that their souls are topfull of offence."

Pandulf's words, addressed to the French monarch, in "King John," express exactly what must have been in Montfort's mind whenever he paused for reflection in his enterprise of using the aristocratic jealousy and the popular distrust, excited by the monarch, as a leverage for lifting a Parliament into the seat of sovereignty, so ill-filled by an individual. Government of all by all<sup>1</sup> was the great secret comprehended by Leicester some four centuries before Sir William Temple had so phrased this remedy for the trouble and danger of rule by private factions. Combining the pride of a patrician with some fibre of the democrat, Leicester may have

<sup>1</sup> Heroic virtue.

had no vision of the full significance or the national results of the movement he had helped to create—had even been able to guide some little way in the direction of its remote goal. Outside the circle of contemporary statesmen there were thoughtful observers who reflected, in the rugged prose and ruder verse of the age, what may be called the popular feeling on the series of transactions whose closing scene was Evesham Field. These comments derive impressiveness from a dim sense, on the part of those who make them, that only generations, as yet unborn, can enter into the heritage of Leicester's labour, or can even tell what shape the work is finally to bear. For the thoughtful writers of those times two things, however, were enough. Their universal testimony, borne with varying degrees of explicitness, is first that Leicester summed up in his own person and career the best aspirations, social or political, and the highest patriotism of the age ; secondly, that he had impressed his own personality, not merely upon events generally, but, in a special sense, upon the body into which he was born, and the Council in which he was pre-eminent. And when the great spirit had been breathed out at Evesham, what could seem more natural than that the very heavens should show their sympathy with the people of the Lord in the loss of their champions? Hence the darkness that first mantled the sky during the disastrous fight, and that for days afterwards prevented the priests in church being able to read their prayers. The mediæval father of modern science, Roger Bacon, was seriously persuaded of all this. In 1264 the presage of

disaster had first shown itself in a great comet. This portent, according to Bacon, was generated by the virtue of Mars; for, runs his mystic argument, as Mars was then in Taurus and the comet arose in Cancer, there could have been no other cause. And the nature of Mars is to excite men to anger, discord, and wars. However the superstition of the time might explain the calamity, it can scarcely have exaggerated the dismay of the routed nobles on realising that they had lost, not only the battle, but the man who had done for them what had entered into no mind since Archbishop Langton. Great men in English history have sometimes on their death found their representatives in their younger, rather than their eldest, sons. The second William Pitt and Charles James Fox, a second and a third son respectively, were both more distinguished than those who wore the paternal titles. In more recent times, a great leader of the Peers, the third Lord Salisbury, was a second son. In the same way, on Leicester's death, the leadership of the Lords passed, not to Henry, who perished on the same field as Leicester himself, but to the next brother, called after his father. Simon Montfort, indeed, is sometimes represented as guilty of the sin of Eli. "His sons made themselves vile, and he restrained them not." But, in a fierce age, these sons set an example of humanity which their enemies, who so foully mutilated Leicester's body after Evesham, would have saved themselves some disgrace by following. Kenilworth Castle had been so strongly fortified by its dead owner, as absolutely to isolate it from the outside world. In that lonely

stronghold the fortune of war placed Henry's brother Richard, the King of the Romans and his son Edmund. The young Montforts had these men absolutely in their own irresponsible power. Their retainers cried out for vengeance which should wipe out insults offered by the royalists to the corpse of the great earl. Simon the second ministered to his prisoners' immediate needs, and, at the first moment afterwards, restored to them their freedom. This act of mercy soon brought its own reward. Among the renegades on either side in that bad time, Clare, Earl of Gloucester, was the most detestable. He was, of course, now to be found among the partisans of Henry and Prince Edward. Once at Court he exerted all the arts of vileness to compass the extermination of the whole Montfort family. But Gloucester's malice was foiled by the intercession of the royalists, whom Simon the second's political magnanimity had spared. Young Montfort's life was safe ; he gained access to the king ; on condition of surrendering his family castle and retiring abroad he received a pension. Earl Simon's widow was treated with a brutality that must have satisfied even Clare. Before young Montfort accepted an annuity on the terms of exile, he knew that, while the dastardly Gloucester remained, his own life was not worth a day's purchase.

The cause, to which Leicester had devoted his genius and his life, seemed for the moment lost. That, however, was only in appearance. For just half a century, from Runnymede to Evesham, the lords whom Langton had organised in peace and Montfort had led in war, had diffused a sense of

brotherhood through all classes of the English people. The Barons, not the monarch, were now the symbol of national unity. The political life of the community was cradled in a thirteenth-century House of Lords. In that dark and storm-vexed age no mind could have calmly forecast the eventual results to king and people of the representative assembly which Montfort secured in 1265. Still less could it have been understood how the final gains from these early triumphs over the Crown would be, not to the Lords, but to the as yet unconsidered Commons. Meanwhile there existed a widely-spread feeling that a premature submission to the king's authority would be a dishonour to the memory of Earl Simon. The Barons, whom their Evesham defeat had dispossessed of their estates, now known as the disinherited, carried on a short guerilla warfare against the Crown. Under the leadership of Simon the second, they made their headquarters in the Fens of the Eastern Counties, especially in the insular retreats of Axholme and Ely. Reproached with disloyalty to Church and State, they stoutly protested themselves true to the dead earl in their acceptance of the cardinal doctrines held by Grosseteste, now generally spoken of as St. Robert, and, throughout this whole epoch, justly regarded as the incarnation of all that was lofty and pure in churchmanship and statesmanship. With all the courage which strong convictions could impart, young Montfort and his followers were only dispersed by Prince Edward after a two years' resistance (July 27, 1267). About the same time the disinherited of the north, who had found a chief in the Earl of Derby,

were broken up by Prince Henry. In Cheshire another body of the same men gave the victorious royalist sufficient trouble to extort a compromise restoring some of their estates. This involved certain retrocessions of confiscated property by Clare and Mortimer. Gloucester had reproached Earl Simon with cupidity and extortion; he now gave a fresh proof of his own time-serving venality, an attribute in which Mortimer was altogether Gloucester's inferior. Both, however, retire in disgust from public life. The Kenilworth decree, dated October 31, 1267, marks the real close of the Barons' War. That instrument gave the disinherited pardon for their treason and restoration of their estates, on payment of heavy fines. From the benefits of this arrangement all of Montfort's name or blood were excluded. The Peers, too, who had changed their partisanship paid a heavier penalty than sometimes overtakes trimmers; Ferrers, Earl of Derby, had taken up arms alternately for what seemed the winning side; he was now imprisoned for three years, and found the ransom of his lands fixed at the prohibitive sum of £50,000. The attainted Earl, in fact, never recovered either his estates or title.

It is worth noticing that the traditional preference of London for the popular cause over that of the Crown seems to date from this period. Earl Simon, as has been seen, was the idol of the City. Queen Eleanor, Prince Edward's mother, complained of an insult from the citizens, which her son never forgave; flushed now with triumph, this prince seized the goods of all Londoners who had gone against the king; he

violated the terms of a safe-conduct by seizing, at Windsor, the popular Lord Mayor, Thomas Fitz-Thomas, and effectually preventing his restoration to civic office.

The most pathetic figure of this period is, beyond a doubt, that of the widowed Countess of Leicester. It is also the details of her daily life, which have come down to us in remarkable fulness and which throw more light than do any other records upon the social habits of the epoch. "Wise men," Roger Bacon had recently said, "are ignorant of many things which hereafter shall be known to the very mob of scholars." The remark may be adapted to the progress of English cookery. When Eleanor de Montfort solaced her widowhood by entertaining friends, the choice delicacies served up to the party were the tail and tongue of whale, dressed with peas or roasted; grampus or porpoise, cooked with almond, milk, sugar and saffron. These dainties were washed down by beer in liberal quantities; the lady's chief guests seem to have been hostages of distinction. Hops, first grown in Flanders, found their way to England in the fifteenth century; before then, ale, brewed indifferently from any grain, barley, wheat, or oats, was seasoned with pepper, not always, it would seem, to the satisfaction of the countess's company. The members of Lady Leicester's establishment, including barbers employed for "bleeding," and huntsmen, appeared to have averaged between three halfpence and twopence a day.<sup>1</sup>

<sup>1</sup> For the authorities for these and other similar details, see Blaauw, p. 321, footnotes.

*Sic vos non vobis* would be an apt motto for the personal history of the House of Lords during the last part of the Middle Ages. The representation of urban interests, in Earl Simon's Parliament of 1265, may have been a stroke of deep statesmanship, or a mere expedient of the moment. During many years afterwards the burgesses were not taken quite seriously by their electors, or even by their brother members. Their constituencies returned them reluctantly, or, if they ever valued their presence at Westminster, did so only as a means for securing local charters or other privileges. Yet it was the towns, even more than the counties, that were to reap hereafter the richest fruits from those baronial triumphs which overshadowed the kingly dignity on the accession of Edward I. in 1272. In that year the leading figures among the Peers were Burnell, Walter de Merton, and two successive Archbishops of Canterbury, Peckham and Winchelsea. Of these men, the first has left, not only his most enduring, but his most characteristic monument in the Oxford college; this was founded by him in 1264, shortly after he had ceased to be chancellor. Merton himself, with his authority, power, and liberality, combined rare social tact and knowledge of the world. For those latter qualities Merton College has traditionally been as good a school with undergraduates as the All Souls Common-room with those who have taken their degree. A member of no territorial family, Merton had begun as a clerk in the Royal Chancery, about the middle of the thirteenth century; he then became successively Chancellor (1261-1263), Justiciar (1271),

Bishop of Rochester (1274). Merton had imparted much of his personality to the college he founded. Not less vividly did another of Edward's chancellors stamp his character and acquirements upon the whole reign. In the thirteenth century Bologna was the university of law, just as Paris was that of general knowledge. At the Italian centre of legal erudition, as well as by close converse with the jurists of the Continent and their systems, Robert Burnell qualified himself to become the legal oracle of Western Europe. During his Bishopric of Bath and Wells (1275), Burnell laid himself open to the reproach of insatiable greediness ; he did not, after the episcopal fashion of the time, keep open house or maintain a great establishment ; he came of poor parentage ; it was his ambition to found a family. To that end he saved money in every possible way. None of his contemporaries questioned his wisdom or fidelity to Edward. Burnell's energy and genius for codification helped his royal master to win for himself the title of the English Justinian. No ruler was ever served better by a great lawyer than Edward I. by Robert Burnell. No chancellor could have secured a more zealously appreciative patron, as the great king missed no opportunity of proving himself to be. Was there, throughout the length and breadth of Christendom, any vacant office suggestive of adaptability to the jurist's qualifications, Edward at once exerted all his influence to secure it for Burnell. Kilwardby had been primate till his promotion to the Cardinal Bishopric of Porto in 1278. On taking up his new office he had carried off with him from England to Rome all the archiepiscopal vestments,

records and valuables. Kilwardby had been desired by Edward to use his presence at the Vatican for securing the papal approval of Burnell as his successor at Canterbury. The Pope's choice, however, had already fallen on a great Englishman. This true successor of Lanfranc and Anselm held the progressive principles, in Church and State, of Grosseteste and his friend, the great Earl Simon. During the years now following the two southern primates, Peckham first, Winchelsea afterwards, take nearly the same rank among the baronial leaders as had belonged before to their predecessors in the metropolitan see, or to the Earl of Leicester himself. In the thirteenth century the extortions of King John had united the Lords and the masses against the Crown. A hundred years later the sovereign's want of money for his aggressive policy beyond seas and his methods of raising it united the same forces of resistance against Edward I. In 1294 the king's demand for half their annual income from the clergy, and the terrors of his wrath at a refusal, caused the Dean of St. Paul's to drop down dead in fright. Entering Convocation, a royal messenger challenged the spiritual lords to resist any demand the king might see fit to make.

Winchelsea, who had now succeeded Peckham in Augustine's chair, refused, point-blank, any subsidy at all. Edward retaliated by putting the whole clerical estate under the ban of outlawry. At the same time, he treated the Customs as his own private property; he further raised money by arbitrarily increasing the export duty on the national staple wool (raw

material for export, then the same source of wealth for the entire country as in later times manufactured cottons became to Lancashire). Of agreeable presence and manners, the primate had recently increased his popularity by refusing a cardinal's cap. His magnificent charity, his self-denying industry and capacity for business made him the idol of the country and the stronghold of his own order. Winchelsea now rallied the whole peerage round him, in antagonism to the king: this was to go back to the precedent of Archbishop Langton, eighty years earlier. The temporal Peers promptly responded to the churchman's call. At the head of the lay lords, were still men of patriotic foresight and familiar name. Humfrey de Bohun, Earl of Hereford, and Roger Bigod, Earl of Norfolk, now ranged themselves under Winchelsea, as chiefs of the national opposition. Bigod was Earl Marshal, Bohun, Constable. Now came the occasion of the well-known passage between the marshal and the king. "By God, Sir Earl, you shall either go with me to Flanders or go hang." "By God, Sir King, I will neither go to Flanders, nor go hang." The strife did not advance beyond words. The lords fled to arms, the king raged, outlawed and extorted; but Edward had not in vain learned the lesson which Leicester had taught his father; he went to the Flemish War without his greatest nobles; he came back to receive the mediation of Winchelsea, between himself and the offended order. In Westminster Hall he afterwards publicly confessed himself in the wrong. He did not, however, forgive the insolent independence of the Barons, but proceeded to depress the peerage

by promoting a new estate of the realm. Distrainment of knighthood was the name given to the writ for the compulsory bestowal of the knightly title on all owners of land assessed at twenty pounds. The compulsory knights either threw in their lot with the Lords, against the Crown, or, like others of their order, identified themselves with the Commons.

The next leader of the Lords, developed by events, was Thomas, Earl of Lancaster. Events raised him to a place of national ascendancy; but he was a man of a single idea. His one mission was the overthrow of Edward II.'s favourite, Piers Gaveston; that accomplished, his occupation had gone. Meanwhile, with the growing insignificance of Edward II., the power of Thomas of Lancaster had immensely increased. The additions of Lincoln and Salisbury, on the death of his father-in-law, found him in the possession of five earldoms. When Gilbert of Gloucester had fallen at Bannockburn, Lancaster was placed beyond reach of rivalry by any of the Peers. When Archbishop Winchelsea had gone, he entered into some of the popular authority enjoyed by that spiritual lord. But his moral influence suffered from the shock given to the country by the eagerness with which he had personally assisted at Gaveston's unrighteous execution. When the king doomed Thomas of Lancaster himself to a like death, men recognised a deserved stroke of retributive justice. The feelings, however, inspired by Lancaster among all classes in 1312, did not prevent his gathering the entire executive into his own hands and some of his brother Peers, five years later. In 1318 he secured the nomination

of a permanent council of spiritual and temporal lords. These men were to be the administrators of the realm. The event completed the victory of the Peers over Edward II. ; it had, indeed, never been doubtful since the first appointment of the Lords Ordainers. Both under Edward II. and Edward III., Henry of Lancaster, created Earl of Leicester, less arrogant and harsh than Thomas, and more skilled in the management of men, succeeded to much of his brother's power, as a leader in the Lords ; his feelings towards his king had come down to him from Thomas ; he was the power behind the scenes, through all the later acts of the heartless drama, which ended with the murder of Edward II. in 1327. Thomas of Lancaster had certainly aspired, in his relations with the king, on one hand, and with the Lords on the other, to play the part enacted by Earl Simon towards Henry III. The party in the Peers which resisted this attempt of Lancaster found its most prominent representatives in the Despensers. Of that family, the founder was the Justiciar, Hugh, who had fallen in Montfort's ranks at Evesham. His son, also Hugh, became head of the Court party, from the middle of the thirteenth to the earlier part of the fourteenth century. Throughout that period, the domestic history of the peerage resolved itself into a series of struggles and intrigues between the Despensers' and their rivals. The Despensers themselves, however avaricious and unscrupulous, were all of them able men. They differed from other royal favourites in not being reactionaries. Frankly recognising the royal claims of absolute



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prerogative to be untenable, they were prepared to advise Edward to have recourse, less to any section of his nobility, than to a Parliament, as a mediatorial body between his subjects and himself. The great political event of the fourteenth century was the formation of the House of Commons. For the time the peerage recedes into the background. Its chief members will presently be seen upon a stage and under conditions very different from those with which, as yet, they have been associated.

## CHAPTER V

### PEERS OF THE TWO ROSES

First separate meeting of Lords and Commons (1332)—John Stratford—Burghersh, the Treasurer and Court favourite—Stratford the representative of the Peers, Burghersh of the Court—The Frenchified nobility of the period—Scandals in the Lords—Edmund, Earl of March—Co-operation of Lords and Commons—John of Gaunt—His power over both Houses—William of Wykeham as Financial Reformer and House of Lords worthy—The first recorded impeachment—The Good Parliament—The Gaunt Reaction—The Lords Appellant—Archbishop Arundel and his State rival, Cardinal Beaufort—Exhaustive effect on the Lords of the Wars of the Roses—Union of the two Houses necessary to resist the king—John, Duke of Bedford—Humphrey, Duke of Gloucester—Talbot, Earl of Shrewsbury—The Bedford Russells—The Norfolk Howards—Richard Neville, Earl of Warwick, the Kingmaker—Rise of the Nevilles—The Abergavenny branch—Reflection of intellect in the Lords—Lady Juliana Berners—John Tiptoft, Earl of Worcester—Lord Rivers—Lord Hastings.

THE concentration of the Law Courts at Westminster, the settlement of the Lords in a permanent place of assembly in the same quarter, and the institution of a parliamentary session, roughly coinciding with the legal term, all belong to the same years of the fourteenth century. Before the existence

of the great hall of William Rufus the Barons met at some point of the Westminster precinct, now impossible to ascertain. When they assembled in the Hall itself the king in his throne was at the upper end of the building. The Peers were probably grouped around him. At the opposite end were such representatives of the Commons as had then received recognition. Gradually the shire knights and the burgesses acquired the chapter house for themselves. About this time the Lords became regularly settled—sometimes in the Painted Chamber, sometimes in the White Hall. But from the fourteenth century continuously down to the beginning of the nineteenth the Peers were regarded as regularly domiciled a little to the south of the Painted Chamber, in what used to be known as the old House of Lords. In 1800 they transferred their sittings to the old Court of Requests—perhaps identical with the White Hall of the old Palace. This assembly-place was larger than their earlier chamber, as well as nearer to St. Stephen's, where the Commons migrated in 1547. The Court of Requests continued to be the abode of the Lords till the fire of 1834. Immediately after that event the old Painted Chamber was fitted up as a temporary House of Lords, while the old Court of Requests temporarily received the Commons. Meanwhile, it should be said, the old House of Lords (that used before 1800) had been pulled down in 1823. On its site was built the Royal Gallery by Sir J. Soane. This, in its turn, disappeared, to make way for the existing buildings. The earliest date possible for the assembly of the Lords beneath another roof than the

Commons is some year quite at the end of the thirteenth century.<sup>1</sup> But the first record of the Peers deliberating in a separate building of their own belongs to the year 1332. From the details of place and time already given it will be seen that, up to the date now reached, those proceedings of the Upper House which did not take place in Westminster Hall may be assigned to either the Painted Chamber or the White Hall of Westminster Palace. At one of these spots it was that Langton and Montfort successively first organised the assembly, that Winchelsea united the lay and spiritual lords against the first Edward.

After Winchelsea the Peers waited some fifty years before they found another great leader. This was John Stratford, successively Bishop of Winchester and Archbishop of Canterbury. The points on which the Peers under Stratford joined issue with the sovereign were social rather than political. The dispute was generally personal rather than constitutional. Gradually the struggle narrowed itself into a trial of strength between Stratford, now primate, and Burghersh, the treasurer. Stratford's refusal to answer a charge of malversation except before his Peers in Parliament had already prepared men to see in him the champion of his House. He now attempted to withstand the foreign plague which had begun to infect the life and character of England. The Hundred Years' War with France, from 1337 onwards, was bringing the military class into dangerous contact with French factions and with foreign mercenaries. The national

<sup>1</sup> Stubbs, iii. p. 430.

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tone was being lowered by the adoption of Gallic standards of thought and by the appetite contracted for continental modes and luxuries of life. The Court set the example ; it soon spread throughout the upper classes. The records of the Lords during this period read like a registry of scandals in high life. It became the almost daily duty of the Chancellor, as Speaker of the Upper House, to call the attention of its members to the disrepute into which the prodigality of the times was bringing the whole aristocratic order. Noble owners, one after another, were forced to sell their estates to pay their family debts. Could not, these asked, the legislative functions of their house provide a remedy for the ruin worked by social subservience to a Court which was a forcing-ground of foreign wastefulness? The courtiers in the Lords only smiled in answer, and assured any lord who might complain of being beggared that this was not an unreasonable price for teaching one's wife and family to live in the French fashion. For noblemen living on their land it was scarcely more difficult in the fourteenth century than in the twentieth comfortably to keep pace with the smart set of the period. The advanced and expensive ideas of the time had incarnated themselves in the Court favourite and treasurer, Burghersh. Against him Stratford now pitted himself. The social struggle was embittered by the political incidents which had first forced Stratford into prominence. The characteristic event of the fourteenth century has been recognised above in the growing ascendancy of the Commons. More clearly than any other man of his generation Stratford

perceived that, if the collective power of the Parliament were to control the country, there must be practical unanimity between the two parliamentary estates. The primate had been charged by Edward III. with malversation and told to defend himself in the Court of Exchequer ; he answered that a prelate could only be tried by his Peers. A committee of the Upper House reported in favour of this contention. Encouraged by their own independence in the matter, the Lords, in their session of 1341, at Stratford's instance, further insisted that no peer could be legally compelled to answer any charge or defend himself in any cause except before the other Peers. They further insisted that all Ministers of State and judges should be considered responsible to the Lords, by whom, in council with the king, they were appointed. Eventually Edward repudiated this decision ; for the moment he acquiesced in it. The assiduous efforts of the Court manager, the already mentioned Burghersh, secured many additions to the king's friends. Stratford, it would seem, could rely upon the support only of one lay lord. This was the Earl of March, who had married Philippa, the Duke of Clarence's daughter, and by this match became a grandson of Edward III. The royal household was thus divided against itself ; for, in opposition to Burghersh, March, his wife, and the Prince of Wales used all their influence in the Upper House to secure the support of the Lower, under Speaker de la Mare's leadership, in the demand for the responsibility of the executive to Parliament. This compact between the two Chambers received its seal and its first practical

expression in the impeachment of Latimer and others. March, as the fact of Peter de la Mare being his steward would itself suggest, was not prevented by his Court connection from sometimes sympathising with the popular cause. Mare's co-operation with March and Stratford secured the early cordiality between the two Chambers. In 1341, throughout the entire Stratford episode, the Lords were supported by the Commons in their contention that the archbishop could only be tried by his Peers. Edward, as has been seen, was compelled to accept that view. His reluctance to do so is retrospectively justified by later constitutional use. Subsequently to the fourteenth century bishops were pronounced to be not Peers, but lords of Parliament only. They were, therefore, on a capital charge, not, in legal phrase, "of trial by nobility," but liable, as other citizens, to go before a jury.<sup>1</sup> The Upper House further demanded that all State officials should be appointed in Parliament. Here, too, the Lords received the support of the Commons. The dissent of the Court faction in the Upper House, headed by Burghersh, gave rise to the first "protest of the Peers," recorded in the Rolls of Parliament. Fifty years earlier events now impending among the Peers might have issued in another baronial war. In 1376 they only proved the signal for organising a constitutional opposition in the Upper House to an unpopular Court faction. The death of Edward, the Black Prince, the real leader of the popular party, had placed the Duke of

<sup>1</sup> Stubbs, ii. p. 389.

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Lancaster at the head of the government ; he now tried to use the Upper House to overawe or extinguish the Lower, and to paralyse the working of the parliamentary principle. "Old John of Gaunt, time-honour'd Lancaster," as conceived by Shakespeare, embodied the patriotism and sagacity of his day ; it is an idealised portrait of a strong, a thoroughly selfish, and a bad man. He was not only the typical patrician of his period, but the typical bully, common enough to the peerage then, of all who dared to differ from him or thwart his will. His establishment of retainers was one of the earliest, planned on a scale dangerous to the peace and peremptorily calling for the repressive policy towards the peerage, first effectively carried out by the Tudors. The best act of Gaunt's public life, his support of Wyclif, was prompted by a characteristically unamiable motive—dislike of the Bishop of London. When the reformer was cited to appear before that prelate and the primate, Lancaster who came with Wyclif, insisted on his sitting beside him in a chair instead of standing. The tribunal objected ; in the violent wrangle which followed Gaunt, after his manner, declared that he would rather "pluck the bishop by the hair out of the church than relinquish his seat at his command." It was a piece of idle hectoring that was soon to bring its own humiliation. The bishop was as popular with the citizens as Gaunt was hated. An indignant crowd attacked and would have destroyed, but for the Bishop of London's intervention, Gaunt's palace in the Savoy. The painted glass window of All Souls' library still shows a likeness of Gaunt ;

in this may be read the character of the man. It is a face common enough to the twentieth-century peerage, set off by the costume of a mediæval dandy. In 1377 Gaunt was bent on carrying out a short-sighted but an intelligible and consistent policy.

As a House of Lords worthy, not less than an Oxford founder, William of Wykeham perpetuated the soundest traditions of Walter de Merton. The leading idea of both these men was to enlist the best brains of the country in the public service. If Wykeham never had the chance of proving himself a great administrator, he showed often and conclusively that he was a first-rate judge of men. He discovered in John Philipot the greatest as well as the earliest of professional financiers in England. At Wykeham's advice, the business of the subsidy for the French War was entrusted to Philipot. The incident thus, through Wykeham, associates the Upper House with a great era of administrative and financial reform. Wykeham also, in the Good Parliament of 1376, systematised the co-operation of the two Houses. The result was the first impeachment on record, that of Lords Latimer, Neville, and others. In 1376, the Black Prince's death depressed the spirit of the people and paralysed the Commons. Gaunt became once more the master of the Lords and the dictator of their policy. He now resumed his short-sighted and defiant, but perfectly intelligible, attempt to pack the Lower House with Court nominees. The Commons were henceforth to be the instruments and echoes of the Peers. Even outside the number of Wykeham's followers were several in the Upper House who at

once saw the mischief to the whole parliamentary estate, as well as to the Crown and the country threatened by the tactics of the Gaunt faction. The apparent hopelessness of defeating the anti-Parliamentary project of Gaunt did not prevent a resolute minority of lords from declaring themselves against it. This opposition in 1397 personified itself in the five Lords Appellant. These were Arundel, Derby, Gloucester, Nottingham, and Warwick. The attempt proved to be not less premature than it was bold. Parties in the Lords was so evenly balanced as to cause a single vote often to turn the scale. The Appellants had made a stand for administrative independence of the Court. The summary punishment dealt out to them swept away all trace of their work. The king's friends still remained the masters of the situation. The Lords received no encouragement from the Commons in this feeble and futile stroke for parliamentary independence.

The Arundel of the Lords Appellant, the eldest brother of Archbishop Arundel, does not seem to have had any connection with the Howards. The Archbishop Arundel who opposed Gaunt in 1401 led the Lords in passing the *de heretico comburendo* Act. This was the measure which promoted the execution of William Sawtré, the first Lollard heretic committed to the flames in England. Archbishop Arundel also marks a continuity in the line of great political churchmen, to which belonged Winchelsea and others, recently mentioned in these pages. He is noticeable too as the youngest bishop ever made in the English Church. In the State his chief rival

was Henry Beaufort, with whom, during the earlier decades of the fifteenth century, he may be said to have divided State office and Court favour. Politically, Archbishop Arundel always led the party in the Peers favourable to constitutional progress. Beaufort did what he could to promote the reactionary policy of the old nobility. Henry, Cardinal Beaufort, whose career crosses at so many points that of Arundel, is distinguished among the peers of his time by his extraordinary wealth, as well as by his influence in the councils of his own order and of the government. John of Gaunt's son, by Catharine Swynford, he had made himself, by his studies at the great seats of learning, one of the first lawyers of his time. The valuable preferments he successively held had made him one of the richest subjects. Parliament checked his nephew, Henry V., in his purpose of war with France, by refusing subsidies. Beaufort, from his private purse, at once provided the twenty thousand pounds which the king wanted. At this time the wealth of the clergy had excited the jealousy of the laity. The cardinal may have hoped his advance would bribe the king to discourage an inquiry into clerical revenues.

It was a churchman, Archbishop Langton, who, following the earlier example of Lanfranc and Anselm, wrested the Great Charter from King John and organised the House of Lords. Between Magna Charta, which preceded the Barons' War and young Montfort's surrender that closed it, exactly fifty-three years intervened. The final overthrow of the Lords, under the Montforts, is separated

by a space of rather more than two centuries from Henry VII.'s victory at Bosworth. In the former of these two unequal periods, Simon de Montfort, Earl of Leicester, forms the one exception to the rule of a spiritual peer's leadership in the Upper House. In the latter period the one lay lord of the highest eminence, who was the acknowledged chief of his order, is Richard Neville, Earl of Warwick, the Kingmaker. The epoch now approached, that of the Wars of the Roses, closed with the temporary exhaustion of the Peers. As yet, independently of the Lords, the Commons can scarcely be said to have existed. A seat in the Commons became indeed, between 1461 and 1483, an object of some ambition. The lesser nobles had now separated themselves from the great Peers and undergone a fusion with the shire knights. The Upper House had indeed become more aristocratic, while the Lower House was every day growing more powerful and more popular. County families supplied candidates for borough membership. Town burgesses, as well as shire knights, were called "esquire" for the first time under Edward IV. Nevertheless, the Commoners did not as yet feel themselves sufficiently powerful to withstand the king, except when they were supported by the Peers. The Upper House had been depleted by the casualties of the campaigns between the York and Lancaster factions. The Lower House was entirely unequal to resisting a monarchy which the fall of the baronage had made supreme. The people's representatives had leaned on the Lords so long, as even now to shrink from walking by themselves. On the other hand, the Peers

increasingly realised that close co-operation with their untitled allies had become an inseparable condition of their own success. By these degrees commenced the amicable collaboration of the two Houses which, during six centuries, continued almost unbroken on graver disputes than on matters of form and privilege. Of this parliamentary alliance, the Petition of Thirty-one Articles (1406) forms perhaps the earliest monument.

In a spirit of whimsical paradox, the libertine, John of Gaunt, had, as had been seen, patronised the evangelicalism of his epoch and Wyclif its chief apostle. The fifteenth-century peerage did, however, supply one convinced supporter of the anti-Roman movement in England that preceded the Reformation. "The good Lord Cobham," formerly Sir John Oldcastle, had been one of the managers of the constitutional opposition, in the Upper House, under Richard II., before he stood forth to the country as the champion of genuine and enlightened religion, as well as of the studies allied with it. He not only paid for the publication, by transcription, of Wyclif's writings; at Oxford and elsewhere he supported many students of the most advanced learning of the time. The terms in which he avowed his theological beliefs have a modern ring about them. "The inferior bishops and the priests formed the body of the great anti-Christ, whose head was the Pope."

The Duke of Bedford who, between 1422 and 1435, seems to have questioned the co-ordinate legislative rights of the Commons, was John of Lancaster, brother of Henry V. Less clever than the king, but

far more amiable and popular, this royal noble showed the sagacity of his statesmanship in the foreign department of his regency by retaining the French possessions of England, jeopardised as these had been by the obstinate mistakes of Gloucester's turbulent and short-sighted administration. Bedford's first marriage with the sister of the Duke of Burgundy laid the foundations of England's alliance with that principality. His second marriage, with Jacqueline of Luxemburg, led to the dissolution of the league, notwithstanding Cardinal Beaufort's efforts of personal reconciliation between the two men. Bedford's ashes rest in the cathedral at Rouen, where, though often threatened, they have never been disturbed. The social character of the fifteenth-century peerage reflects itself more characteristically in another royal duke, Humphrey of Gloucester, than in his elder brother, Bedford. Gloucester's public life was one long struggle with Cardinal Beaufort for ascendancy. In private he knew no law but that of his passions, and did more than any other of his family, by besmirching the fair fame of his house, to predispose the nation to accept the Yorkist usurpation. Gloucester was the immediate cause of the greatest scandal enacted in the mediæval House of Lords. In 1428 that chamber received a visit from a lady named Stokes, accompanied by the wives of the chief citizens of London. Their object proved to be the presentation of a petition against Gloucester, charging the duke with gross and habitual immorality. Neglecting the lawful wife, whom he had hastily taken, Jacqueline of Hainault, he was living illegally

with one of the frail and high-born beauties of the day, Eleanor Cobham, daughter of Lord Cobham of Sterborough, who, at different times, had admitted many lovers to her favour. At that period the Upper House occasionally assumed a collective responsibility, unknown in later times, for the decorous conduct of individual members. As will be shown in its proper place, the chamber performed a like censorial duty in the case of the Nevilles. The scene had an unexpected and astounding close. Without any show of excusing himself, Gloucester, rising in his place, with haughty bluntness, declared his mistress to have become his wife. From Jacqueline he separated soon afterwards. The *soi-disante* Duchess Eleanor now figured in a well-known episode. Together with her chaplain, Roger Bolingbroke, she had been accused of sorcery and of magic practices against the king's health. The priest was promptly beheaded; the lady was compelled by the city authorities to walk in a white sheet to St. Paul's, and to offer a penitential taper at the altar. Before his death Gloucester had the opportunity of purging his reputation. He made himself the great patron of European arts and letters in England; according to Cunningham, he anticipated Bodley in founding the Bodleian at Oxford. At any rate he invested himself with such an atmosphere of learning, of religion, and of respectability that his death was received as a national calamity, and that he was mourned as the "Father of his Country." It is a crucial instance of the national devotion at once to the royal and the aristocratic principles. The English Achilles is

the name by which was best known a military noble of the fifteenth century, Talbot Earl of Shrewsbury. The sobriquet was not an empty compliment, for Shrewsbury, the hero of as many hand-to-hand encounters<sup>1</sup> as his Homeric namesake, was among the foremost peers of his period who showed themselves born leaders of men.

The earldom of the Bedford Russells belongs to the latter half of the sixteenth century; it was first conferred on the Speaker of the House of Commons, Sir John Russell, then, in 1539, a baron, and Earl of Bedford in 1550. The family itself had made its mark several generations earlier; it had indeed been established by the John Russell who was constable of Corfe Castle in 1221. The story of the Russell family, during twelve generations, is a great part of the chronicle of England. It also suggests the true sort of personal distinction which may be implied in a family title, transmitted throughout generations. The gift which descends from father to son is moral character and capacity.

During the fifteenth century a single incident seems to have impaired the cordiality of the relations between the two parliamentary estates. The discussion is of interest chiefly because it helped to establish two parliamentary principles: first, the originating of money bills in the Lower House; secondly, the sovereign's constitutional inability to notice what may pass in or between Lords and Commons, till it be brought officially to his knowledge. The slight

<sup>1</sup> Shakespeare's description ("King Henry IV.," pt. i. act i. sc. i.) is Homeric in its phrase—"Hundreds he sent to hell."

collision between the two Houses was not repeated during the mediæval period.

About half a century later than the Russells, the eminence of the Norfolk Howards began. These are first heard of early in the fourteenth century, when the house was founded by Sir William Howard, Chief Justice of the Common Pleas. His grandson, Sir John Howard, a naval officer, married an heiress of the Mowbray family. The son of this union, John Howard, enjoyed high favour and office under Edward IV., eventually becoming Duke of Norfolk. The vicissitudes of a stormy period involved the Howards, during the fifteenth century, in attainder and loss of honour. The dukedom was restored in 1489. During the fourteenth-century struggle between the Court party in the Peers, under John of Gaunt, and the Lords who, on the other side, saw their leaders in the enlightened Archbishop Arundel and his colleagues, the Norfolk Howards seem generally to have preserved a discreet neutrality. The Howards, the Russells, and the other figures of the mediæval House of Lords subordinate themselves to the commanding presence of the fifteenth-century peer, Richard Neville, best known as the Earl of Warwick, the Kingmaker. On that puissant personality, this is the place to dwell. The monuments of Bisham Abbey, on the Thames, formerly contained a rude likeness of the remarkable man who, by the force of his character, by the splendour of his life, by the depth of his influence on the royal vicissitudes and the political transactions of the time, transcends in importance all his contemporaries in the peerage.

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The traditions of the Bisham effigy, the extant outline figure in the Rous Roll, and scattered references by his contemporaries to the man, enable us to form a living idea of the Kingmaker. His complexion was fair, his eyes blue, his brown hair was thick and curly. His features were regular, small, and almost feminine in their delicacy. After the patrician fashion of his age, he was clean shaven. The man himself was tall of stature, powerful and broad of limb. The stock from which he sprang, the Nevilles of Raby, had long been famous for its fecundity and vitality. During its fourteen generations, between 1210 and 1600, the estates of this family never passed into the female line, from lack of male offspring; only on one occasion did they descend from uncle to nephew, instead of from father to son or from grandfather to grandson. At a later date the Nevilles dominated a great part of Southern England. The cradle of the race was on the Durham moors; from these the house spread itself over the greatest manors of the north. The name itself belonged to the marriage portion of the heiress, Isabella Neville, of Brancepeth. She married, in the thirteenth century, the owner of Raby, Robert Fitz-Maldred. The descendants of this pair soon became famous for their luck in marriage and for the numbers of their progeny; from eleven to nine children seems to have been the average allowance for a family.<sup>1</sup> House was added to house and field to field, till the Durham and Northumbrian Nevilles overflowed in a southward

<sup>1</sup> For these and other details, see Osman's "Warwick," pp. 11-13.

direction; they had their Yorkshire headquarters at Middleham Castle. In comparison with this territorial aggrandisement, that of the Percies seemed almost insignificant, for the Percy demesnes scarcely extended south of the Trent; the Nevilles were only less powerful on the Norfolk Broads or the Bedford and Buckingham levels, than on the Tees or the Tyne. At the end of the fourteenth century, the head of the Nevilles, Ralph, at the age of thirty-four, became a peer. A title, taken from his northern estates, would have trespassed upon the baronial rights of the Bishop of Durham, would have caused confusion with the ennobled style of the Percies, or the titular distinctions traditional in the royal family. Ralph of Raby was therefore created Earl of Westmorland, receiving the lordship of Penrith by way of qualification for the title. His allegiance to the Lancastrian dynasty never wavered. Before he died, marriage associations and territorial power had made the Neville tribe not only a force in English politics, but masters of the House of Lords. Since 1377 the numbers of the English nobility had steadily diminished. During several years of the fifteenth century the peers summoned to parliament never exceeded thirty-five. To that muster Earl Ralph contributed four sons, five sons-in-law, and two grandsons.<sup>1</sup> At this rate, it might be calculated

<sup>1</sup> The sons were Richard of Salisbury, William of Fauconbridge, George of Latimer, and Edward Neville, Lord Abergavenny; the sons-in-law, the Dukes of Buckingham, of Norfolk, of York, the Earl of Northumberland, and Lord Dacre; the grandsons, Ralph, Earl of Westmorland, and Roger Lord Scrope.

that, within another generation, at least half the House of Lords would be supplied by the great Raby clan. Earl Ralph was twice married. His eldest son, by his second marriage, was the Richard Neville who took as his wife the only child of Thomas Montacute, Earl of Salisbury. This marriage gave the Kingmaker to the world and made him heir to the vast Montacute estates in Hampshire and Wiltshire. On those demesnes the Kingmaker's boyish days were passed. His father had been made Warden of the Scotch border, but, as a member of the Council of Regency, was often in London, where he lived at "the Harbour in the ward of Dowgate." For the family house in the capital, Neville's Inn, in Silver Street, had passed, with the Westmorland earldom, to the elder branch.

Closely connected with the Nevilles were the Beauchamps of Warwick. A member of that house, known in his day as "the father of courtesy," had won the highest fame in the wars of Henry V. That king esteemed Warwick highly enough to appoint him tutor and governor to the prince who eventually became Henry VI. The noble thus honoured justified the royal confidence by imparting to his young charge many of his own best qualities. Richard Beauchamp, Earl of Warwick, was a firm friend of Richard Neville of Salisbury, the Kingmaker's father. Naturally enough, therefore, the son of one of these friends found his wife in a daughter of the other. Anne Beauchamp, whom the younger Richard Neville married, became, by a series of family deaths, heiress to her father's title and estates. This fortunate

marriage made Richard Neville, at the age of twenty-one, Earl of Warwick and Newburgh and premier earl of England. The southern territory that thus fell to the Kingmaker exceeded in extent and value even his northern dominions. The Beauchamp heritage, brought by his wife, gave him, as Earl of Warwick, the diversified region which lies between the Wrekin on the north and Tewkesbury on the south. The valley of the Severn gave him a succession of fertile farms, mineral resources of untold value, and carried his kingdom from the beacons of Brecon to the Chilterns. His castles were of themselves a possession that, more perhaps even than his broad acres, impressed the popular imagination of the time. These included Cardiff, Neath, Whitchurch, and Caerphilly—the last with its concentric fortifications of Norman masonry strong enough to withstand the attack of 10,000 men. The year 1449, which established Warwick in the paramount lordship of all these lands, witnessed events that explain the transfer of his allegiance from Lancaster to York. One class of the community after another, and powerful individuals in quick succession were being alienated from the reigning house by the weakness of its administration. Suffolk's defeat in the Battle of Formigny brought with it the loss of the English dominions in France. The death of Suffolk himself instead of, as was hoped, producing an improvement, was followed by worse troubles. Cade's rebellion spread civil war through the county of Kent. The popular indignation at these humiliating losses or irritating disturbances found expression in the murder

of Moleyns, Keeper of the Privy Seal, at Portsmouth ; in the slaughter of Lord Say, the treasurer, by a London mob, and in the onslaught of his Wiltshire tenantry upon a prominent Lancastrian prelate, Bishop Ayscough. Under the Plantagenets, strong leaders had never long been wanting. Apart from general inconveniences to industry and trade, the absence of skill and knowledge at the helm of affairs alarmed and exasperated the whole country. Throughout the great English centres the belief had become general that the qualities needed by the nation at this crisis of its fate must be looked for outside the family which wore the crown. Richard, Duke of York, had attracted the notice of many by his ability. He had excited the interest of more by the apparent hardship of his lot. His administration of Ireland had won him popularity and confidence. It seemed intolerable that a prince of the blood of such high distinction and merit should have no place in the king's councils or be consulted in the government of the realm. Richard suggested himself, by general consent, as the one strong man of the hour available for empire. Warwick was still in the prime of an ardent youth. His imagination might naturally have been moved, and his sympathies enlisted, by the striking figure of Richard, Duke of York. Richard, it must also be remembered, had married a near kinswoman of Neville. The Duke of York's first appearance in the House of Lords had been made in a picturesquely impressive manner. The recent proceedings against the Yorkists had been annulled in the parliament that followed the Battle of Northampton. Fresh from his

defeat at Ludlow, York had boldly ridden through the London streets to Westminster. Once inside the Peers' Chamber, the duke stepped forward to the throne. Laying his hand upon the cloth of state, he paused for a moment, as if awaiting an invitation to the kingly seat. The assembled lords remained persistently mute and undemonstrative. York prepared to withdraw. As he did so the silence was changed for a burst of applause, amid which the Archbishop of Canterbury asked the visitor whether he would not wait upon the king, who was now in his apartment. York's reply, as he hastened towards the palace, was, "There is no one in this realm who ought not rather to visit me." Not unnaturally, in view of such an incident as this, Richard has been charged with having, from the first, aimed at the crown. Contemporary observers, however, saw in him a man whose earliest idea was not that of usurpation. The Kingmaker, therefore, would only have shared a prevalent belief if he had seen in the Duke of York a prince not so much ambitious of the pomp and circumstance of royalty as patriotically bent upon strengthening, for the good of his subjects, an amiable and blameless, but an enervated and misled, king.

This is not the place for minutely describing Neville's part in transactions that belong to general history. Birth, beauty, wit, and wealth are the four kings of English society. Other sovereigns die out or are deposed. This fourfold kingship survives all dynastic change and rides safely through the stormiest sea of revolution. From the point of view

suitable to the subject of this volume the Kingmaker stands forth as the earliest and the most impressively conspicuous representative of the aristocratic principle. In his case, of course, as must often happen, the dominion given by birth overlapped the monarchy of wealth and intellect. Exemplifying, in his person, the manly beauty and strength associated with Richard Cœur de Lion, the Kingmaker, in the splendour of his social life, in the number of his retainers, in the scale of his establishment, in the extent of his territorial power, surpassed all recorded instances of English nobility since John of Gaunt, whom, in mental quickness and strength, Neville, to some degree, resembled. The Kingmaker's unique distinction, however, is less the combination of the greatest gifts of nature and fortune than his politic and tactful use of his varied endowments. Ancestral magnificence and wealth were to him only the opportunities for the patient building up of power and the winning of popular goodwill. With him rank and riches formed a pedestal for achievement. He regarded them as a means to an authority and esteem that must, he knew, themselves be the spontaneous tributes of his countrymen. Like all nobles of the Middle Ages, Warwick may be said to have been born a soldier. Study and experience gradually made him a master of tactics in the field. In the same way he educated himself into one of the best sailors of his time. The crew might mutiny, the pilot might fall overboard or lie drunk on the deck, Warwick having re-established discipline and order, seized the helm, navigated the vessel, nor relinquished

his post till the desired haven had been reached. In another respect his career exemplifies the new tendency of his time. Under the Duke of York's protectorship he became Chancellor. It was the first time, since Sir Robert Bouchier in 1340, that a layman had held the post. To impress the national mind, not only with the power of the peerage in itself, but the duties entrusted to it by the constitution, of securing the good ordering of the realm, was Warwick's leading idea. He would have succeeded less well in its execution than he actually did had he relied only on his skill in administration at Calais, his power of generalship, shown at St. Alban's, or the statesmanship which marked his discharge of the duties of Chancellor. Warwick, in an age when such concessions to popular feeling were generally ignored, realised that the aristocrat who wished to control his order and to influence his sovereign must have the country at his back, and that, to secure this support, nobility must study the demeanour and the address which ingratiate it with the crowd. The haughty noble of conventional romance, or of theatrical melodrama, is popularly regarded as a mediæval product. With such a conception the real Warwick, not the novelist's "Last of the Barons," had absolutely nothing in common. His speech was studiously polite and conciliatory. His language, under much provocation, never failed in gentleness. Deferential to the Lords, he was ever kindly to the Commons. Whatever his faults of temper or action, it is certain that he attached people of all classes to himself more deeply and universally than had been ever done

by his father, Richard of Salisbury, or his relative Richard of York. The personal example of Warwick, descending through many centuries, has become the social tradition, not only of those who, in the twentieth century, represent his family, but of the entire aristocratic order. An uncle of the Kingmaker was the first Lord Abergavenny. The present wearer of the title has played, in relation to his party, a *rôle* suggestive of that filled by his mediæval ancestor towards the dynasties of his day. The personal qualities that, by universal consent, would be assigned to the first Marquis of Abergavenny bear at least a family likeness to the social characteristics of the great Earl of Warwick.

Political and military achievements were not the only claims to representative distinction possessed by the mediæval House of Lords. In the fourteenth century the Berners family produced, in Lady Juliana, an authoress whose poems, chiefly on the chase, were considered to reflect honour on the titled part of the community. Like other writers of quality, before and since her time, Lady Juliana translated largely from the French. If a Tiptoft had dishonoured himself and his order by maltreating prisoners in the Barons' War, the family, in the fifteenth century, was rehabilitated by the scholar who was then its head, John, Earl of Worcester. Successively appointed Lord Treasurer and a Commissioner for guarding the Channel, he is the earliest instance on record of the alliance between scholarship and statesmanship which has since so frequently distinguished the assembly. Born in Cambridgeshire, he studied and

graduated at Balliol, Oxford. While making the grand tour he spent some time at Padua, then the most famous school for Latin scholars. He was a patron of continental letters before he returned to be the Mæcenæ of his native land. There continued long to be extant a dedication of one of his works, by an Italian scholar, to Tiptoft. In that composition the fifteenth-century Lord Worcester is congratulated on having taken Italy in exchange for a country where he might receive stain from associating with impious and factious men. The twentieth century Upper House occasionally deigns to vary its consideration of State affairs with discussions on the elegancies of polite education, such as the value of Latin verse composition in public schools. In initiating debates of that sort the assembly, in early Tudor days, had the help of another noble scholar than Tiptoft. This was Anthony Wydeville, Earl Rivers, the son of the Duke of Bedford's widow by a second husband, who never missed an opportunity of diverting the thoughts of the Chamber from the scandals of the time to the culture that, he argued, it belonged to the peerage to encourage, and who supplied the printer Caxton with the copy of the second book he ever published, "Sayings of the Philosophers."

The threshold of the period, with which modern history is generally reckoned to open, has now been reached. The personal contributions of its leading members to the historic character of the House of Lords, as well as the points of contact between the social life of the assembly and of the nation, have been continuously traced. Among the actions that

contributed to the overthrow of Gloucester was his treatment of a singularly enlightened peer of the period, Lord Hastings. Few things could be more significantly suggestive of the depressed moral standard of the age than the fact that this noble, famed throughout Christendom for his fine sense of honour, should have received a pension of 2,000 crowns from Louis XI. of France, as well as a gift of twelve dozen silver, or silver-gilt, spoons, for the services that had promoted the Treaty of Pecquigny. The desertion of Rivers by Hastings proved disastrous to Hastings himself. The quarrel of Richard III. with Hastings was not unconnected with the king's subsequent desertion by Stanley and others.



## CHAPTER VI

### PERSONALITIES AMONG THE TUDOR PEERS

After Bosworth—The Stanleys—Cardinal Morton—John, Earl of Oxford—Peers far less powerful under Tudors than under Plantagenets—Bishop Fox and Archbishop Warham—Thomas Howard, Earl of Surrey, and his son, the third Duke of Norfolk—Henry Howard, Earl of Surrey, as a type of the accomplished peer—Edward Seymour, Duke of Somerset—Cardinal Pole—The fourth Duke of Norfolk—The Cecils—Some typical statesmen : William, Lord Burleigh ; Robert, Lord Salisbury ; Robert Dudley, Earl of Leicester ; and Robert Devereux, Earl of Essex—Matthew Parker, the typical churchman in the Peers—Edward Vere, Earl of Oxford, the typical dandy in the Upper House and the bully of society.

**T**ILL the Battle of Bosworth ended the struggle between the two Roses by placing Henry VII. on the throne, the personal history of the Upper House had periodically disclosed a process, enfeebling not so much to the political control, as to the social authority of the titular nobles. The Commons, as has been seen, largely shared with the Lords the depressing consequences of this period. The Lords, as well as Commons, soon showed their recuperative power by regaining their normal authority. Within two months of the Bosworth victory, Henry of Rich-

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mond, advanced in the peerage the head of an ancient house which, from the fifteenth to the twentieth century, has played a leading part in the social and political drama of the order. Familiarity with foreign standards of duty and with wars conducted by mercenaries had debased the sense of moral obligation among those who passed for men of honour. Lord Grey de Ruthyn did not scandalise the opinion of his age by changing his allegiance in the heat of the Battle of Northampton. His peers saw nothing against which to protest in Stanley's desertion of Richard at Bosworth. It was merely the practice of the period, as was the torturing to death of prisoners by Tiptoft, Earl of Worcester. Amid an atmosphere of suspicion, cynicism, and disbelief in the possibility of good, the principle of *noblesse oblige* could not be expected to live. The Stanleys had been settled at various places, chiefly north of the Trent, even before the Norman Conquest. Till the end of the twelfth century they were known indifferently by the surname Audley. But Shakespeare gives Sir William Stanley as Dame Eleanor of Gloucester's gaoler; the patronymic itself is probably a corruption of Stoneleigh, one of the estates of the family. The first great bearer of the name was Sir John Stanley. He, in the thirteenth century, married Isabel, heiress of Lathom, who brought him the Knowsley estate. This was the Stanley to whom Henry IV., on the forfeiture of the Percies, gave the Isle of Man. His grandson, Thomas, sat with the peers in the Upper House in 1456. Then began the greatness of the family in Lancashire. Bosworth not only overthrew a dynasty,

but formed the opportunity for the noble renegades of the realm. At the first onset, Lord Stanley deserted to Henry of Richmond; next went Northumberland, presently to be followed by Sir William Stanley, brother of the peer whose barony was transferred into an earldom as the wages of desertion from his king. The popular ballad of "Lady Bessie" historically celebrates the events that led up to the creation of the Derby earldom—it is at least sufficiently flattering to the first Lord Derby, who owed something to his having married Lady Margaret Beaufort, the mother of the man to whom he apostatised. Throughout the Tudor period the Stanleys were among the greatest and wealthiest of noble houses. They were also loyal to the intellectual traditions of their order, as established by Tiptoft and Rivers. Herein they did but anticipate the classical and literary distinction of their nineteenth-century representative, the fourteenth Lord Derby, who, while Queen Victoria's Prime Minister, produced the most spirited translation of the *Iliad* since Chapman; and, as Chancellor of the University, welcomed in 1873 to Oxford Queen Alexandra in Latin, whose idiom Cicero might not have disowned, and the music of whose cadences that orator himself could scarcely have surpassed. The third earl was a favourite of Queen Elizabeth, the *Mæcenas* of his age, and an early patron of William Shakespeare, whom the Lord Derby of the period, or his heir, Lord Strange, engaged for a private company of players, supported by him at his country place. Lord Strange, afterwards James, seventh Earl of Derby, sacrificed everything for the king in the seven-

teenth century ; his own fame, however, is eclipsed by that of his wife, the heroine of the historic defence of Lathom House during the civil war. Incidentally, it may be noticed that a younger branch of the family, the Alderley Stanleys, had always been Puritan and Roundhead—indeed, James II.'s dismissal from a high county office of one of the elder branch, the ninth earl, resulted in converting the lords of Knowsley to a Whigism that continued the family faith till the fourteenth Lord Derby of the Victorian age. The most brilliant of the younger Pitt's early successors, George Canning, derived some of his gifts from the actress who was his mother. Theatrical blood, that of the Farren family, ran in the veins of the Tory premier who gave the country household suffrage. The "poor Nellie" who formed the subject of Charles II.'s dying words was the ancestress of the Dukes of St. Albans. In the next century the Duke of Bolton became the husband of Lavinia Fenton, the leading lady in "The Beggar's Opera."

The personal influence of the greatest spiritual peer of his epoch shows itself in the stroke of domestic policy which eventually united and reconciled the claims of the two Roses in the conqueror of Bosworth. On what is now the quadrangle of Peckwater, Christchurch, used to stand the academic foundation known as Peckwater Inn. This first became distinguished as a school of legal study under the principalship of the most commanding statesman who sat in the seventh Henry's House of Lords. John Morton, Cardinal Archbishop of Canterbury, through the good office of Cardinal Bouchier, had been an examiner in the civil

law school at Oxford, and a Fellow of Balliol. Afterwards practising as a barrister in the London Court of Arches, he received help still more valuable from his Oxford patron, who had since become primate. Continuously thereafter, in London, at Oxford, as in several country benefices, valuable preferments showered upon him. For a short time Richard III.'s vengeance threatened to close his career. He escaped from prison. A year after he had taken part in the battles of Barnet and Tewkesbury he became Master of the Rolls. In that office he did much towards reducing to order the public documents, which had fallen into confusion during the civil wars. The familiar dilemma of "Morton's fork," with which he posed reluctant taxpayers, associates him with the extortionate policy of the Court. That did not prevent him from being, as Lord Chancellor, a munificent and wise patron of art and letters throughout the kingdom. His arrangement, when at the Rolls of the National Archives, was a work whose successful accomplishment has done more than anything else to provide the historian of the period with authentic and methodical material. Morton thus supplies another instance of personal services rendered by the hereditary assembly to the cause of national learning and culture. But Morton's most memorable achievement remains his suggestion of the marriage between Henry of Richmond and Edward's eldest daughter, Elizabeth of York. As a churchman, Morton distinguished himself by securing the canonisation of an earlier Archbishop of Canterbury, Anselm. As a statesman, he seems to have

realised the impolicy of the methods resorted to by the king for filling the royal purse. As courtier he ventured in these matters to give his sovereign advice which, if followed, might have cleared Henry VII. of his chief reproach. Neither in Cardinal Morton, nor in any other of the great Lords of his Council, did Henry VII. find the instrument for that policy of subjugation which makes the first Tudor reign an epoch in the personal story of the Peers. The struggle between the two Roses had been exclusively a war between nobles. The commonalty took little part in it; the life of the people, though feverishly agitated, went on. In this series of events the Tudors found their opportunity for disarming and enfeebling the baronage.

John, Earl of Oxford, had figured prominently in the military operations, the attacks, the victories, the defeats, the surprises, on both sides, that were the daily life of the monarchy and the baronage—during the stormy period between the failure of Henry VI.'s health in 1454 and the last of the battles of the Roses in 1485. Sometimes in the same camp as Warwick, as often numbered among his opponents, Oxford had more than once seemed to give promise of a fame rivalling that of the Kingmaker's. After the settlement of the realm, at the close of the fifteenth century, the seat of Oxford's establishment was on a scale not inferior to the lords of Raby. The household retinues of the great lords seemed to Henry VII. to be standing dangers to civil peace and to have lost their usefulness in time of war. The existing legal machinery did not include the means of putting down

the chronic incitements to riot and revolution, constituted by the private armies belonging to the magnates of his realm. If an ordinary statute were passed against these evils, no jury, the king thought, would have the courage to convict. Henry therefore constituted a new court of the chancellor, the treasurer, and a few other high officials. This tribunal was to deal summarily with all nobles who affected a state beyond what seemed to the king safe and fitting for a subject. John, Earl of Oxford, had entertained the sovereign at his house, and had exhibited two rows of retainers, wearing the Vere badge. The sequel is familiar enough. Henry thanked his host for his hospitality, but, drily adding "he could not have his laws broken in his sight," delivered Oxford to the tribunal he had just created.

The position of the Peers throughout the whole of the Tudor period presents a humiliating contrast to the national authority they had exercised under the Plantagenets. Henry VIII. treated his Lords more contemptuously even than his Commons. Satisfied that, in the matter of the divorce, he could rely on the support of the educated laity, he showed himself indifferent to the Upper House. Not only was the real work of severance from Rome done in the Commons; throughout the whole of this period that House showed more statesmanship and more sympathy with the national feeling than did the Lords. Wolsey's impeachment, for instance, for high treason, was not unanimously approved by popular opinion; it was vindictively pressed forward by the Lords; it was rejected by the Commons. And this, though Wolsey

himself had, by his arrogance, estranged all orders in State and Church. Notwithstanding the disadvantages incidental to an arbitrarily restricted franchise, the Lower House had become the working chamber, the hereditary was regarded as ornamental. Morton had died in 1500. The political prelate who succeeded to his influence in the council of Henry VIII. was Richard Fox, bishop of several dioceses, amongst them Durham. Diplomacy, rather than home politics or churchmanship, was the field in which he achieved his greatest successes. The peer, however, who, between 1509 and 1532, most closely under Henry VIII. reproduced the part held by Morton in the preceding reign, was Archbishop Warham. He too, like Fox, had filled many diplomatic posts. These included one in which he ran a risk of permanently forfeiting royal favour. To the great displeasure of the Court he failed to induce the Duke of Burgundy to surrender Perkin Warbeck. Warham's good qualities, however, eventually more than compensated this miscarriage of his efforts. He combined with shrewdness and tact a power of humorous and pointed talk, as well as a sufficient knowledge of theology—all of them qualities sure to be specially appreciated by Henry VIII. But by far the most commanding influence belonging to any peer at this time was that exercised by Thomas Howard, Earl of Surrey, son of that Duke of Norfolk who had fallen at Bosworth. Surrey belonged to the group of naval and military nobles which included Charles Brandon, Duke of Suffolk, whose regular features and square-cut beard

are familiar to all from Holbein's portrait. Surrey himself commanded the English troops in their defeat of the Scotch at Flodden. His son was that third Duke of Norfolk who, on Archbishop Warham's discreet refusal of the honour, became President of the Council, Suffolk being Vice-President, and "Mistress Anne being above both."<sup>1</sup> This was the Duke of Norfolk who, as the most splendid noble of his realm, was, at the age of sixty, sent by Henry in 1533 to the French Court to meet the Pope. He was also the one member of the Upper House whose advice, as regards the Irish rebellion of 1535 and its chief promoters, the king implicitly followed. The uncle of Anne of Boleyn, he was in 1536 one of her judges. Eventually, in the last year of Henry's reign, the Duke himself seemed destined for the same fate as his niece; he was only saved by the opportune coincidence of his sovereign's death. His son, Henry Howard, Earl of Surrey, was less fortunate. Surrey's career was as brilliant and varied as his accomplishments. It was his nature to fish in troubled waters. He had scarcely been made a Knight of the Garter when he was committed to the Fleet prison for sending an improper challenge to a duel; the next year he was again inside a gaol for disorderly conduct—window smashing—in the streets at night. His military employment abroad and his dissipations at home left him time to do into excellent English two books of the *Æneid* and to write some less noticeable paraphrases of the

<sup>1</sup> Legrand, vol. iii. p. 377 (as quoted by Froude).

Psalms of David. He was also the earliest English poet who employed the sonnet form of composition. The charge on which he was beheaded was his treasonable assumption of the armorial bearings of his ancestor, Edward the Confessor. Edward Seymour, Duke of Somerset, during the short reign of Henry's successor, Edward VI., combined with his impatient zeal for the Reformation a politic regard for the peerage. He missed no opportunity of personally illustrating the tradition of popularity established by Warwick the Kingmaker. His house was open at all hours to those who had any request to make or grievance to redress. The importance and affection which in this way he secured, were resented by his rivals in his own order, especially by his own brother, Thomas Seymour, and John Dudley, Duke of Northumberland, Lady Jane Grey's father-in-law. Somerset put his brother out of the way by beheading him; he eventually lost his own head at the instance of Northumberland. During the confinement in the Tower that preceded his execution, he wrote several devotional works, chief among them, "A Spiritual and most Precious Pearl, teaching all men to love and embrace the cross as a most sweet and necessary thing."

A contrast to Edward VI.'s Lord Protector Somerset is presented by the member of a family, not inferior in antiquity, in association, or in standing in the Upper House to the Seymours. This was Reginald, Cardinal Pole, who, from his mother, a niece of Edward IV., had received some of the royal blood of York. Educated at Magdalen, Oxford,

while Linacre was Fellow of All Souls and a lecturer on scientific medicine, Pole imbibed from this tutor a keen interest in the new learning of the age. He did not take his place at the head of the spiritual peerage as Archbishop of Canterbury till 1556. That position rather testified and confirmed than created Pole's influence. Alike in private conversation and his speeches in the Upper House, he combined a logical intellect with a sharp tongue. Patrician in all his prejudices and instincts, he was alienated from the Tudor movement in religion quite as much by the coarseness and ill-breeding of Thomas Cromwell, Earl of Essex, as by his own theological convictions. The temper of his speeches on these subjects may be judged from his book on church unity. In this, Henry VIII. is compared to Nebuchadnezzar. These invectives, as well as many other asperities and scurrilities, were charitably attributed by the denounced king to the effects of the Italian air on the writer's mind. Pole was, in fact, invited by the king to come to England and explain his treatise at Court. Convinced of the hopelessness of re-establishing in England the Roman form of Christianity, Pole could not conceal from himself the hopelessness of the task committed to him. His health broke down in the attempt. After a long illness, he died in November, 1558, at nearly the same time as his Queen herself passed away.

The distinction of the Norfolk branch of the Howard family maintained itself in the Upper House throughout the Tudor period. The fourth Duke, Thomas Howard, son of the beheaded Earl of Surrey,

lived from 1536 to 1572. As a boy he had been brought up by his aunt, the Duchess of Richmond, in the principles of the Reformation. His tutor, in fact, had been Fox, the martyrologist. On Elizabeth's accession he received the Garter and the appointment of Lieutenant-General of the North—both offices on the special recommendation of Cecil. For some time regarded as a possible husband of Mary Queen of Scots, he numbered among his connections the greatest Catholic nobles in the kingdom. The idea of the proposed match was powerfully supported on both sides of the Tweed. Elizabeth, however, wished to keep the possible bridegroom from the scaffold; she therefore bade him beware on what pillow he rested his head. The duke took the hint, stopped the negotiations, retired to his estate at Kenning Hall, Norfolk. Elizabeth's jealousy was not, however, permanently appeased. The premier earl of England was found guilty by his peers of high treason in January, 1572. His execution was delayed by the real or feigned reluctance of the Queen to sign his death warrant, but in the following June he was executed on Tower Hill.

The etymologists of the peerage have not yet settled the authentic orthography of the family which supplied the House of Lords, under Elizabeth and James, with its two most famous members. Cecil, Sitsylt, and other variations are all indifferently given, each, as it would seem, on authority equally good or bad. The fabulous descent from a family of Roman patricians never found belief among the Cecils themselves. The Devonshire Courtenays, traced back by

Gibbon to the emperors of the East, were the only members of the Elizabethan House of Lords who could advance a plausible claim to a classical lineage. However the name may be spelt, the undoubted fact is that the Cecils came from a good, old licensed-victualler stock. In 1535 died the Elizabethan statesman's grandfather, David Cecil, "who kept the best inn at Stamford." The social rise of the family must have been rapid, for Burleigh's father, Richard Cecil, was Master of the Robes to Henry VIII. William Cecil, the future Burleigh, owed to a lucky accident the beginning of his Court and State promotion. Noted at St. John's, Cambridge, for logical keenness and dialectical skill, he happened to meet, in his father's rooms at Court, a priest who acted as chaplain to O'Neil, the Irish chief. An argument about the Pope's supremacy and the reformed religion arose between William Cecil and the priest. An account of Cecil's controversial victory reached the King; Henry marked his appreciation of the young man's ready wit by giving him an office in the Common Pleas. Somerset advanced him still further after Henry's death. As courtier and statesman, Burleigh, while avoiding all offence to Mary Tudor, worshipped the rising sun of Elizabeth as the re-establisher of Protestantism. He became the senior member of the new queen's Privy Council. Established in that body, Burleigh first won the sovereign's confidence by his resourcefulness in finding the money for her lavish private expenditure, and by his rigid economy in all purely public matters. Whether as a speaker in the Upper House, as a conversationalist at Court

or in private, Burleigh deserved his traditional reputation for sententious common sense. A pair of gouty legs detracted from the dignity of his figure. His moral and mental greatness showed itself directly his mouth was opened. "Be not scurrilous nor satirical in jests ; for some men are so prone to quip and gird that they would rather lose their friend than their joke." "War is a curse ; peace the blessing of God on the nation." Such are some of the most authentic and characteristic specimens of Burleigh's sensible and pithy commonplaces. Elizabeth never tired of them. Burleigh reciprocated the appreciation of his royal mistress by declaring, "never was so wise a woman born, in all respects, as Queen Elizabeth, one who so well spoke and understood all languages, who knew all estates and dispositions of all princes, who was so expert in her knowledge of realm and estate, that no counsellor could tell her what she knew not." Burleigh did not undervalue his own abundant stock of proverbial wisdom. He attributed all his success to never losing sight of two maxims—the first, "princes have many eyes and ears, and very long arms, for they reach far and grip much" ; the second, "a man can buy nothing in the market with gentility." "How do you manage, my Lord, to perform your innumerable duties without hurry, confusion, or failure?" Burleigh's reply to the question is at least as noticeable as his more diffuse apothegms, "The shortest way to do many things is to do one thing at once." Perpetually tormented by gout, he never passed an idle day, or even hour. When too ill to walk to his office, he was carried. If his hand could not hold a pen,

he employed an amanuensis. "I care not," he once said, "to see the Treasury swell like a disordered spleen, when the other parts of the constitution are in a consumption." The State finances had never been in a better condition than under Burleigh's management. The principle of equalising impost, in levying taxation, is to be associated with this, the greatest member of the Elizabethan Upper House. The coincidence is worth noticing that the modern system of taxation was first elaborated by the member of a House which has long ceased to originate money bills. Burleigh, however, notwithstanding his essential greatness, could not rise above the moral standard of his age. His ideas of incorruptibility were not those of his many great descendants. Thomas Middleton, a wealthy merchant, who desired promotion in the Customs office, was expected to bestow one thousand angels in any quarter Burleigh might name. Another Customs officer at Bristol, resigning his position, was to pay one hundred angels that the office might be kept in his family. Burleigh himself never seems to have had a seat in the Lower House. His elder brother, Sir Thomas Cecil, who took an active part in all its committee work, kept his kinsman in close touch with the assembly.

Robert Cecil, afterwards Lord Salisbury, Burleigh's second son, went, like his father, from Grantham School to St. John's, Cambridge. Westminster city and Hertford county were the constituencies for which he sat in the Parliaments of 1585 and 1586. His political life often brought him into the keenest personal rivalry with Essex, whom he first offended by

his appointment to the Secretaryship of State in 1596. The younger Cecil perpetuated the State policy rather than the cool temper of his father ; according to the gossip of the period he was constantly embroiled with his brother peers, with whom duelling challenges seem occasionally to have been exchanged, even across the table of the House. The chief incident of this sort appears to have occurred with Lord Hertford ; he had referred to Salisbury a dispute between Lord Monteagle and himself, but taken exception to the arbiter's award. On this Salisbury promptly invited Hertford to mortal combat. Robert Cecil's keen eye to the main chance was shown in the alacrity with which, even before Elizabeth had passed away, he ingratiated himself with his successor, James, whom he entertained magnificently at his Hertfordshire house, Theobalds, during the new king's progress from Scotland to London. Salisbury himself attributed his personal success with the king to his own friends at Court, chief among these he rated the king's barber and Sir George Hume.

Robert Cecil, trained from the first by his father with a care which recalls that given by Chatham to the younger Pitt, had advised his son to show himself neither an Essex nor a Raleigh. By this was meant that popularity was neither to be neglected nor over-cultivated. Of the two peers with whom Elizabeth was especially associated, the personality of Robert Dudley, Earl of Leicester, blends itself most closely with the Queen's personal life ; Essex dominates the military and political activities of the palace. Whatever the relations between Elizabeth and Leicester,

the latter was treated by all as the master of the palace; he was called "my lord" simply. To Leicester ambassadors rendered an account of their negotiations; through Leicester any suit to the sovereign could alone be successfully made. The ceremony, at which, in 1564, the earldom was conferred upon him, was marked by incidents which attested to her assembled subjects at Westminster the closeness of the royal regard for Dudley. The House of Lords had a prosaic and innocent explanation of the Queen's fondness for this noble. Elizabeth cultivated the manly tastes of her father for all English sports. During her captivity at Hatfield, she had solaced herself by the sight of her English mastiffs, pitted against the cunning of Ursa and the strength of Taurus. When she had mounted the throne, Leicester, remembering the weakness of his royal guest on her visit to Kenilworth in 1575, treated her to a series of bear and dog combats. "It was a sport," writes the Court newsman of the period, "very pleasant to see, the bear with his pink eyes leering after his enemy's approach, the nimbleness and weight of the dog giving him great advantage. Then the roaring, the tossing, the clawing, the biting, and the tumbling—all much delighted in by her gracious Majesty." Sport, not sentiment, the cynics of the Upper House would have it, made Leicester so high a favourite at Court.

Leicester in 1587 was succeeded as Master of the Horse by Robert Devereux, Earl of Essex. Beyond even Leicester, Essex stands forth from the crowd of Court nobles by reason of his grace and skill in the

showy accomplishments of his period as the most perfect combination of those endowments, when set off by the principle of birth. Lord Herbert of Cherbury, who adorns the same category, comes in the first Stuart reign. The love of notoriety and of great connections, which was innate in Essex, explains his marrying in 1590 Sir Philip Sidney's widow. No step could have been more inauspicious ; from the day on which he took it dates his decline in favour at the palace.

Elizabeth's most representative statesman, Burleigh, consolidated the Protestant settlement, begun in the previous reign. In this work the lay peer was assisted by a spiritual lord now to be described. Matthew Parker, the second Protestant Primate of All England, reflected in himself, if from a different point of view, the temper of the time, not less faithfully than did the statesman with whom he co-operated. Burleigh treated the titled and untitled aristocracy of the realm as if they were the upper servants of Elizabeth's private household, with himself as head butler or steward, ever to keep his eye on all. Archbishop Parker looked after the bishops and the inferior clergy much as though they had all been his subordinates in the spiritual household of the Queen. Parker had been a scholar of Corpus, Oxford ; while there he had attracted by his abilities the notice of no less good a judge of men than Wolsey, who offered, both to him and to Cranmer, studentships and tutorships on the nascent foundation of Christchurch. Elizabeth's appreciation of Parker was heightened, rather than impaired, by independent conduct on the primate's

part, which, for a moment, threatened the loss of royal favour. The Queen had commended Parker's peremptory refusal of a Calvinistic request touching episcopacy. The archbishop now secured the Queen's consent to a veto upon the use of images; he could not, however, overcome her repugnance to the repeal of clerical celibacy; Parker left the palace in disgust and wrote a letter to secretary Cecil, threatening resignation of his see and declaring that he would embrace the stake rather than pronounce that unlawful which the Scriptures enjoined or permitted. The question of vestments then divided the clergy and congregations of the Reformed Church. Parker had largely helped Cranmer in drawing up the Book of Common Prayer; he now gave another proof of his aptitude for sagacious compromise. In the matter of ritual and robes, he not only himself steered a middle course; he also induced the sovereign to endorse his tactics.

James I.'s Lord Herbert of Cherbury finds an Elizabethan precursor in Edward Vere, seventeenth Earl of Oxford, who lived from about the middle of the sixteenth to the beginning of the seventeenth century. Like Herbert, this Lord Oxford united the graces, accomplishments, or affectations of the modern noble with the energy and force of the mediæval baron. In the jousts and tournaments, not only of England, but of Europe, Oxford had few rivals and no superiors. The ladies who acted as umpires led him in his armour from the tilting ground to the presence chamber, that he might lose not a moment in receiving the prize from the royal hand. He was

almost as good a classical scholar as Tiptoft had been before him. Famous for his toilets in continental, as well as English society, he stood alone as the dandy of the Upper House. Alike on ministerial and opposition benches, he was taken for a model of modishness; he employed none but Italian tailors; he set the fashion in embroidered gloves and foreign perfumery at the White Hall or the Painted Chamber. The Lord Chancellor, as speaker of the Upper House, and the Queen herself occasionally found him troublesome. Once, having provoked a duel with Sir Thomas Knevet, and received a wound from his antagonist, Oxford, with a retinue of chartered bravoës, went about threatening his opponent with vengeance. Knevet brought the matter before the Upper House and the Queen. As a result he obtained a bodyguard which enabled him to go about in safety. Oxford seems, indeed, to have enjoyed the privileges of a chartered bully; for when he had grossly insulted Sir Philip Sidney in the palace tennis court, the Queen could see no other way of preventing bloodshed than by entreating Sidney to apologise to the man by whom he had been affronted. The personal composition and the social humours of the hereditary House in Tudor times enable one to understand how, relying on the working chamber—the Commons—Elizabeth, as had been done by her father, refused to take too seriously what she regarded as a decorative estate of the realm like the Lords.



## CHAPTER VII

### WIT, WEALTH, AND FASHION IN THE FIRST STUART'S HOUSE

The commencement of the Lords' Journals—The Peers settled in the old House of Lords—Conspicuous Peers in the reign of James I.—Lord Herbert of Cherbury—Viscount Falkland—Lord Harrington—Lord Sackville, the most intellectual peer of his day—The Earl of Bristol—Progress of Impeachments—James's misconception of the position of the Upper House—George Villiers, Duke of Buckingham—Lord Willoughby—Lord Ellesmere—Absence of serious collision between the two Houses up to the Stuart period.

ALTHOUGH direct and conclusive evidence on the point may be wanting, there seems some reason for thinking that the Peers began pretty regularly to use the building known as the old House of Lords, to the south of the Painted Chamber, in the period during which their journals begin. These documents go back to the year 1547. The names recorded in the earliest entry are those which have figured in political history continuously to the present time. Thus among the participators in the proceedings on November 4, 1547—the day from which the official chronicle starts—were a Duke of

Somerset, a Lord Russell, an Earl of Salisbury, and an Earl of Warwick.<sup>1</sup> These titles have already been seen constantly to reappear in the assembly throughout the Tudor epoch. They are not less frequently conspicuous in the hereditary chamber of Stuart times. That which formed the distinguishing mark of the sixteenth-century House of Lords was the large proportion of its great members in Church and State, who combined business power with social position and intellectual accomplishments. Such qualities remained the notes of the assembly throughout the Stuart as well as the Tudor reigns. Those years form indeed divisions of one period. Conspicuous among the Peers of this age is Lord Herbert of Cherbury. His life extended from the thirty-third year of Elizabeth to the end of Charles I. His birthplace, Montgomery Castle, in Wales, the house of his father, Sir Richard Herbert, was itself a symbol of antiquity. The incidents of his youth read like those of romance rather than reality. Going to Oxford at the age of twelve, he brought back with him to the university, when fifteen, a wife just six years older than himself. The marriage had been a family arrangement, for the lady, the daughter and heiress of Sir William Herbert, of St. Gillians, would have forfeited the family estate unless she had married one of her own name. At Oxford Lady Herbert remained with her lord, while he was going through his schools. In 1600 the young couple settled in London; Herbert himself soon became

<sup>1</sup> "Parliamentary History," vol. i. p. 580.

established at Elizabeth's Court. The Queen had noticed his youthful appearance while he knelt in the presence chamber, as the sovereign passed to her chapel at Whitehall. "Who is this?" Elizabeth had been pleased to ask. Hearing it was the husband of Sir William Herbert's daughter, the sovereign, with her usual oath, protesting, "It is a pity he married so young," gave him her hand to kiss twice, gently patting him on the face. At the coronation of James I., Herbert was knighted. The knightly oath to redress the wrongs of all ladies and gentlemen was with him no mere verbal pledge, but formed a solemn committal to adventures which made Herbert the Don Quixote of his nation. The newly-dubbed knight found a young lady just despoiled of a treasure by a French cavalier. Sir Edward Herbert not only regained the treasure, but waited ten years to chastise the thief. Again encountering him after an interval, Herbert did his best, but apparently in vain, to provoke the old offender to a mortal combat on the issue of a decade earlier. "Sudden and quick in quarrel," like Shakespeare's soldier, Herbert continued to show himself. At the age of twenty-seven, leaving his wife in London, he set out on the grand tour, shaping his course in whatever quarter he scented the chances of a fight. Talk of chivalry having passed away with the Middle Ages! Lord Herbert of Cherbury lived to demonstrate its survival to the seventeenth century. In 1610, having joined the English troops then, under Sir Edward Cecil, besieging St. Juliers for the Prince of Orange, Herbert relates how a French officer "dared" him. In a moment

the two had sprung together out of the trenches ; thence they rushed forward to the opposite bulwark. Herbert was the first of the two to fight his way into the beleaguered city ; the last to leave it. His reputation had now become European ; of this fact he had several proofs during the years which were to pass before his elevation to the peerage. All these incidents Herbert recounts in a vein of quaintly frank egotism, worthy of Pepys. In the gallery of Dorset House he is shown by Lord Dorset a frame covered with green taffeta ; it turns out to be Herbert's own portrait, which Dorset had commissioned Larking, the painter, to draw, because of the "brave stories the earl had heard about him." A still greater person, whom modesty will not allow Herbert to mention, bought a copy from the artist. "And now," he adds, "in court a great person sent for me divers times to attend her, which summons, though I obeyed, yet, God knoweth, I declined coming to her as much as I conveniently could, without incurring her displeasure. Because that affection passed between me and another lady—I believe the fairest of her time,—such as nothing could divert." In 1614, Herbert was again in foreign parts, both in the service of the Prince of Orange and as ambassador to the French Court. In the latter capacity he quarrelled with the Constable of France, Lesignes, and was recalled. On his return to England, Herbert took up the fighting pose, as usual, vowing before the whole Court that he would "demand reason of the constable, sword in hand." Before receiving the Cherbury title, Herbert had won notoriety as a writer ; his book, "De Veritate," gives him a place

among the early deists. The sufficiency of natural religion was its thesis. The divine unity, the moral government of the world, and the future life were declared to be the conclusions to which the light of nature guides man. During the Civil War, Herbert stood by the Parliament; his popular sentiments caused the destruction of his Welsh castle by the royal troops.

Philosophical or theological sympathies, rather than similarity of character or career, associate Lucius Cary, Viscount Falkland, with Lord Herbert of Cherbury. The son of the lord deputy of Ireland, Falkland, after an education at Trinity, Dublin, and St. John's, Cambridge, was so deep a student as to perform a feat, unsurpassed or unapproached, it may safely be said, by the peers of any period. Mr. Gladstone, during his residence in the Albany, mastered the entire works of Chrysostom. Falkland, before he was twenty-three, had read all the Greek and Latin fathers. At the same time, he showed himself the universal patron of European learning, invited scholars from all parts to England, and caused their works to be translated. Liberal, even latitudinarian, in some of his religious ideas, he first broke with his parliamentary friends on an ecclesiastical issue. He had supported the earliest Bill for depriving bishops of their votes in the Upper House; six months later, when the question came up again, there was no stronger episcopal partisan than Falkland. Another subject brought him into line once more with his old Royalist friends. The Parliamentarians claimed the right to discover any

secret they could by opening letters that passed through the public post. Falkland declared that so general a wound and corruption of society as this process carried with it could not be compensated by any advantages it might seem to promise. Clarendon has invested Falkland's person and character with a classical familiarity. Matthew Arnold, in his account of the gatherings at Great Tew, has shown him as one of the pioneers of sweetness and light. The magnetism exercised by Charles I. on certain natures explains the attachment to him of one who, like Falkland, had begun his Court life as a gentleman of the king's bedchamber. When, finally breaking with the Parliament, he became the king's secretary, he did but return to an earlier allegiance. Habitually thereafter in attendance on the king, he was with him at Oxford when, as they were walking through the Bodleian Library, a splendidly-bound edition of the poet caused his companion to suggest the *sortes Vergilianæ*. Charles, taking the book and opening it at random, came on the lines in Dido's imprecation which in Dryden's translation run as follows:—

“Oppressed with numbers in the unequal field,  
His men discouraged and himself expelled,  
Let him for succour sue from place to place,  
Torn from his subjects and his son's embrace.”

Disconcerted at the omen, the king handed the book to Falkland, in hope of a better augury. A still more gloomy prophecy now disclosed itself. The passage was that in which Evander bewails his son's untimely death.

"Young as thou wert in dangers, raw to war,  
O cursed essay of arms, disastrous doom !  
Prelude of bloody fields and fights to come."

This account of a familiar incident differs from that generally current, which represents Charles turning up the description of Priam's death (*Æneid* ii., 557, 558) and his companion horror-struck at the prophetic words, "*Ingens littore truncus, avulsumque humeris caput.*" The version now reproduced seems the more authentic, and is to be found in Cunningham's *Lives*.<sup>1</sup>

Akin in some respects to Falkland was another lettered and meditative peer of the time, who, like the better sort of citizen described by Plato as sheltering himself from the storms of democratic politics behind the hedge of philosophy, sought refuge in occupations of intellect from the tempests of State. This was John, Lord Harrington; his father had been appointed by James I. tutor and guardian of the Princess Elizabeth; the son, in his turn, won the reputation of the best classical scholar, and the most considerable linguist of the Upper House, where he took a place among the leaders of evangelical Protestantism. His religious opinions, according to the common belief, contributed to his early death. During his continental travels with a friend named Tovey, he is supposed to have been poisoned. Though he did not at first succumb to the attack, but rallied, the illness which he brought back with him from abroad eventually proved fatal. Among the literary senators in the old House of Lords, to

<sup>1</sup> Vol. ii. p. 416.

the south of the Painted Chamber, during this era, more famous than any yet mentioned, was Buckhurst, Lord Sackville. The days of Elizabeth and James I. saw the traditions of noble scholarship, as exemplified earlier by Tiptoft, illustrated more splendidly by none than by Thomas Sackville, Lord Buckhurst. The first authenticated quotation from Vergil in debate was made by Sackville. About the same time he was enriching English literature, before Shakespeare wrote, with the earliest tragedy written in blank verse. This play, first called "Ferrex and Porrex," became more famous afterwards as "Gorboduc." The strength and elevation of its thought and language made its author the pride of the house to which he belonged. The courtliness of its political moral, and the loyalty of its plot made the dramatist the favourite of the Court.

The little group of nobles now under consideration was reinforced by John Digby, Earl of Bristol. Born late in the reign of Elizabeth, he outlived that of Charles I. Like many of the ablest peers of his day, Digby won his title as a diplomatist. The son of a Warwickshire knight, he was created a baron for the success with which he discharged his first foreign mission in Germany. A second errand to Spain for promoting a marriage between Prince Charles and the Infanta was rewarded by the earldom of Bristol. At the same time, this last employment, and the step in the peerage which it gave him, brought Bristol into collision with the Court favourite of the day and the most conspicuous peer of his time, the Duke of Buckingham. The project of a marriage between the heir to the English crown and the daughter of the

Spanish king had commended itself to Bristol before it was taken up by Buckingham. The former naturally resented Buckingham's intervention in a matter which he regarded as specially his own, and which took him on more than one ambassadorial visit to Madrid, as well as to other important centres. Bristol's reverse of fortune began with the accession of Charles I.; it was specially signalled by one of the earliest impeachments which, for more than a century, were to be perpetually recurring incidents in the parliamentary war of parties. The first impeachment brought up to the Lords was that of the Chancellor, Lord Suffolk, in 1386. The next instance of the kind was the trial, ending in the condemnation of Lord Chancellor Bacon, Earl of Verulam, and eliciting from the illustrious offender the sententious comment, "I was the justest judge that was in England these fifty years, but it was the justest sentence in Parliament that was these two hundred years." Since the case of Bacon, in 1621, there had been no impeachment of the same note till that with which Bristol succeeded in visiting Buckingham. Bristol's arraignment for high treason took place in 1626. Bristol lost little time in opening a retributive attack upon his great rival, some sketch of whom will suitably complete the personal picture of the seventeenth-century House of Lords. Whatever his follies or faults, the cleverness of the first Stuart king has never been questioned. His misconception of the position of the Upper House may therefore well seem astonishing. Individual peers, like some of those noticed here—the Cecils, for instance, and a few others—possessed commanding

influence. Their authority, however, came to them in virtue, not of the order to which they belonged, but of the statesmanship and accomplishments in which they may have excelled. Yet James allowed an imaginary analogy between Scotland and England to make him think that he might play off the lay and the spiritual lords against the Commons at Westminster, even as he had seen, on the other side of the Tweed, an all-powerful kirk successfully hold its own against the nobles. Of all English monarchs, none is known to have been so powerfully influenced by external appearances as James I. The foundation of the power of George Villiers, Duke of Buckingham, as in the assembly to which he belonged, so in the Court at which he became supreme, lay in the effect of the first impression he produced. Visiting Cambridge in 1615 the king was delighted with a Latin comedy played for his amusement by the university, and called "Ignoramus." Young Villiers, the son of a Leicestershire squire, Sir George Villiers, of Brookesby, was among the actors. The royal visitor was so struck by this youth's handsome face and showy clothes, not less than by the skill of his performance, that he at once decided to promote him to the position at the palace which Somerset had forfeited. George Villiers must leave the university forthwith and be educated for the august position to which the royal favour destined him. The queen alone ventured to discourage the royal plan. Although no friend of the discarded Somerset, she cautioned the courtiers who were favourable to young Villiers against promoting his advancement. "You and your friends," she said to

them, "know not what you do. I know your master better than you all. If this young man be once brought in, the first persons that he will plague must be you that labour for him ; yea, I shall have my part also. The king will teach him to despise and hardly entreat us all, that he may seem to be beholden to none but himself." The Archbishop of Canterbury, one of Villiers' supporters, assured her Majesty there could be no such danger. The event showed exactly the accuracy with which the queen had appraised the character at once of her husband and of the new favourite. Somerset still hovered about the palace. James impressed upon Villiers the need of treating him with civility. The overtures were rejected by Somerset with words of infatuated menace : " I will," he said to Villiers, " none of your service, you shall none of my favour. I will, if I can, break your neck ; of that be confident." The unchecked rapidity of the new favourite's success showed the impotence of the threat wrung forth from the jealous Somerset. In a very short time for such a prodigious ascent, to paraphrase Clarendon, Villiers became successively baron, viscount, earl, marquis, Lord High Admiral, Mayor of the Palace, with plenary control of all patronage. His royal master pressed on him equipages and costumes of oriental magnificence. Even at ordinary entertainments his clothes must be trimmed with great diamond buttons, with hat-bands, cockades, and earrings of the same precious jewels, as well as great and manifold ropes and knots of pearl. In short, as a contemporary chronicler remarks, it was the king's will his grand

vizier should be manacled, fettered, and imprisoned in jewels. Then the variety and opulence of his wardrobe were the talk of the Chamber where he had a seat, whenever he deigned to appear in it. "Twenty-seven suits of clothes, the richest that embroidery, silk, velvet, gold, and gems could contribute—one of these suits, a white uncut velvet, set all over with diamonds, valued at £80,000, besides a great feather stuck all over with diamonds, like his sword, girdle, hat-band, and spurs!" Such was the inventory of the favourite's ornaments, which his amazed brother peers whispered to each other as they took their seats in the old House of Lords. "Nothing," they cynically added, "had been seen like it since one Roman emperor fed his horse on golden oats, and another Roman emperor made his horse a consul." The life lived by Buckingham with the reigning James I. and the future Charles I. was that of persons bound to each other by the closest ties, not merely of interest, but of family relationship. Buckingham himself was "Steenie," the Prince of Wales "Baby Charles," the king "Dear Dad" and "Gossip." A love of adventure had been born in the then heir-apparent. Buckingham worked on this taste to induce the prince to obtain his father's permission to visit the Spanish Court as a suitor for the hand of the Infanta. The journey and the visit would be, said the Duke, a round of delights as dazzling as those of fairyland. Reluctantly, James gave his consent. The travellers, arriving at Madrid inauspiciously on a Friday night, alighted at the British embassy, then occupied by Buckingham's rival, Bristol. Buckingham's airy magnificence was resented as an

insult by the grave, severe Castillian grandees, mortally offended the frigid and pompous Philip IV., excited the contemptuous hauteur of his minister Olivarez. To crown all, the Infanta proved indifferent to her lover. When the prince, nimbly jumping over a wall, fell at her feet in the garden, the young lady screamed and ran away. Finally, the negotiations were broken off. Buckingham brought back his royal charge to England. The ill-advised wooing ended in a seeming certainty of war between the two countries. Bristol's policy of vengeance against his intermeddling rival already promised to be as successful as Somerset himself could have desired. But for the friendly intervention of the lord keeper, Williams, Buckingham's fall would have come immediately on his return to England. Real greatness, or even first-rate ability, seldom has personal vanity as its permanent companion. True mental power would have saved Buckingham from being the dupe of his own ambition and the victim of a feminine passion for power and display. Baffled in his project of the Spanish marriage, he now turned to plots of Spanish vengeance. In furtherance of that end, he made some show of courting the leaders of the popular party at home, amongst them John Eliot.

With the possible exception of Lord Bute in the reign of George III., the fall of no Court favourite presents a closer parallel to the fate of Sejanus than does the decline of Buckingham. In addition to Bristol, the former idol of his sovereign now numbered among his enemies every statesman in Spain. His appeal to the popular and Protestant prejudice against the Romanists of the Peninsula on his return to

London met with no national response. News of the miscarriage of his plans quickly travelled to France. After the Cadiz misadventure he went with Lord Kensington to Holland to borrow money on the crown plate and jewels. Stopping at Paris on his way he was curtly told by Richelieu that his presence in the French capital would be disagreeable. The explanation is that Buckingham, before this, had incurred the wrath of the French king by talking about the favour which he declared himself to have won with that sovereign's wife, the young Queen Anne of Austria, herself the sister of the Spanish Infanta. Among the English peers, too, Buckingham had an enemy as bitter, as able, and as influential as Bristol himself. The first Parliament of the king, whose character, when prince, he had done something to mould, met at Oxford, because of the presence of the plague at Westminster, in August, 1625. In the Hereditary Chamber the attack upon Buckingham was opened by the Opposition leader, Pembroke. Clever, attractive, showy, brilliant, boastful, superficial, by the very qualities that fascinated the sovereign and impressed the mob, Buckingham had made implacable enemies among his own order. Arraigned as a political offender, he was really placed on his trial, because he had gratified a taste for applause by following the bent of his own essentially theatrical genius. Corruption, embezzlement, incompetence, were the charges which might be established against him. Individually these were grave faults; collectively they could not amount to treason. He had induced the world to take him at his own estimate of himself; that formed the

really damning count in the indictment against him. Then he had stood in Wentworth's sunlight and wounded the vanity of Bristol. By this time, however, a possibility of rehabilitation seemed to have arrived. The impeachment was still hanging over him when Buckingham was brought forward for the Cambridge Chancellorship and triumphantly carried against his rival, Lord Andover. In another capacity the duke did something towards retrieving his reputation. The expedition to the Isle of Rhé was indeed ill-conceived, ill-executed, and only aggravated the misfortunes of those whom it was undertaken to relieve. It provided Buckingham, however, with an opportunity of performing noticeable feats of personal courage. A second descent upon the same place was being vigorously prepared for when an assassin's weapon brought to a hurried end the crowded drama of vicissitudes and contrasts. Buckingham was starting from Portsmouth to (see the king at Keswicke, some five miles distant. Before he left the house, John Felton, a "gentleman," having watched his opportunity and entered unnoticed, with great violence buried a long knife in the left breast. The diaphragm, lungs, and heart were immediately pierced. The victim of the attack took, with his own hand, the weapon from the wound, remained conscious and cool till life was actually extinct, struggling with death for a quarter of an hour. It was a hideous close to a dazzling career. Yet, notwithstanding its horrors, Buckingham cannot be pronounced altogether unhappy in the opportunity of his death. His intellect was too weak for the strong ambition which, unsatisfied with the mastery of a

Court, prompted him to essay the dictatorship of a continent. Had he not fallen by Felton's knife, the disproportionateness of his abilities to his aspirations might have led him to the block before either Strafford or Laud.

At the trial of the former of these, the place of Lord High Constable of England was filled by a peer who, in the first year of James I., in virtue of maternal right, had claimed the Oxford earldom and the Lord High Chamberlainship; eventually, indeed, he succeeded in taking his seat above all the barons. This was a man who, if his fame has not stood the test of ages, abounded in personal interest and charm to his contemporaries—Robert Bertie, Lord Willoughby. His family name had become a synonym for piety and valour. Of a presence not more impressive than Falkland, he was discovered by Charles I. to possess some of Falkland's aptitudes, both in the council chamber and on the field. The king, in 1640, nominated him chief general of the royal forces. The position proved to be almost a sinecure; for in soldiership the king followed no advice, save that of Prince Rupert. His military career was short, for two years after his official appearance at the impeachment of Strafford he died in the surgeon's hands of wounds received at the battle of Edgehill. Among the Peers of Willoughby's period, though considerably Willoughby's senior, was a man whose title has successively gathered fresh distinction from its later wearers. Egerton Lord Ellesmere was one of the sixteenth and seventeenth century lights of Lincoln's Inn, where he studied after leaving Oxford. Noted

at the bar for his ready wit and skill in cross-examination, he first made his mark in a case whose particulars have been preserved. Three graziers had deposited a sum of money with a Smithfield woman, to be accounted for by her on their collectively re-demanding it. Shortly afterwards one of the depositors returned, and, on the plea of being commissioned by his partners to obtain the money, possessed himself of the cash. Upon this the other two men, on whom a march had been stolen, brought an action against the woman. Young Egerton, happening to be in court, received the judge's permission to speak as *amicus curiæ*. His deliverance was to this effect : it was not disputed that the money left with the woman was not to be given up by her until demanded by all the three depositors. Very good, then let the entire trio, and not two members of it, make the demand, when the cash would be forthcoming. Till the two gentlemen now in court bring the third partner, the woman, I apprehend, is legally entitled to remain the custodian of the deposit. The ingenuity of the argument so pleased the court as to decide the case by a verdict for the defendant. Great as was Ellesmere's eminence at the bar, first as advocate, then as judge, he had made for himself a reputation, partly social and partly professional, that was absolutely unique. It used to be said of Lord Chief Justice Russell of Killowen that his ability as counsel or examiner before a jury was eclipsed by the mediatorial tact which secured the settlement of countless difficult cases out of court. Something of the same influence was constantly and successfully employed by Ellesmere between brother

peers who had quarrelled in the House, now become intending litigants who proposed needlessly to take up a judge's time.

Up to the point now reached, the harmony of the relations between the two Chambers has seldom or never been seriously marred. The complaints made by James I. of the Commons were not echoed in the Lords. During one of the earlier sessions in his reign the Upper House took the initiative in establishing a parliamentary rule which was accepted without demur by the Lower, and which has remained a fixed article of parliamentary procedure ever since. This was the rule which prevents the same Bill from being brought forward twice in a single session. In the session of 1606 the Peers had summarily rejected some proposals relative to purveyance which had come up to them from the Commons. In a slightly different shape, the disallowed measure presently re-appeared in the Hereditary Chamber. Upon this, committees of the two estates met in conference, with the result of the unanimous adoption by Parliament of the custom that now obtains. Charles I., whose period I have now reached, during the first session of his reign gave some offence to both Chambers. The general tendency, however, of events during his reign is to bring the two Houses into collision, more frequent and serious than had been witnessed before. George Villiers, Duke of Buckingham, conspicuously connects the Upper House of the first James with that of the first Charles ; for Buckingham it was, personal hostility with whom, for a time, ranged Thomas Wentworth, Lord Strafford, among the opponents of the

king ; while his position in Buckingham's household as chaplain first introduced Laud at Court. The inner personal aspects of the senate during the last three-quarters of the seventeenth century and the beginning of the eighteenth will form the subject of a new chapter.

## CHAPTER VIII

### STATE CHURCH AND SWORD

Thomas Wentworth, Lord Strafford—Archbishop Laud—Other Peers on the Episcopal Bench—Bishop Juxon—Archbishop Abbot—Temporal Peers on the Opposition side—The Earls of Essex and Warwick, and Viscount Saye and Sele—Lord Fairfax.

**B**Y his part in the transactions of the assembly and of the time, not less than by the features of his face and the dignity of his presence, Thomas Wentworth, Lord Strafford, stands forth from the crowd of peers under Charles I. in an attitude more impressive because more sombre than Buckingham revealed himself under James. The person of Strafford was as graceful as that of Buckingham and more commanding. His thick, black hair was cut close. In the light which flashed forth from his dark eyes, the proud and well-set head was thought to have something of a lion-like look. Strafford himself laughed off the imputation. To look like a lion, he said, after all is not to look like a knave or a coward. His delicate and perfectly-shaped white hands—nature's surest sign of good breeding—were the envy of women, were said by Queen Henrietta Maria to be the finest in the world, and were so valued by Strafford

himself that he was charged with never letting them be out of sight, whether in the senate or in private life. As he advanced in life worry and repeated attacks of long and terrible illness gave him a look of ruggedness but left him all his manly beauty. Coming mid-way, to speak very roughly, between Warwick the Kingmaker and St. John, Lord Bolingbroke, Strafford was as imposing and as typical an incarnation of the aristocratic tradition as was his earlier or his later analogue. The events with which he was connected, which he largely created, the passions which he roused in his contemporaries and the freshness with which those passions have descended to posterity, have sometimes kept out of sight the real man. The attempt may therefore be made, avoiding the distortions of political hatred or the partialities of personal friendship, to see him now, not as he appeared to Pym, on the one hand, or to Laud, on the other, but to unbiassed observers, such as, at one time or another, were Bristol and Falkland. Strafford's charm lay in his essential humanity—his love for his children, the simplicity and happiness of his domestic life. Even the frank egotism of the man was not without a certain attraction. He insists on being to the end of the chapter himself, and no mere creature of royal favour or political promotion. He may put on the court livery. He is still the great squire of Wentworth Wodehouse, the "cock of the north," as his lineage has made him. The harshness and arrogance which were his conventional attributes did not prevent his nature being traversed by a vein of gentleness and even tenderness, brought out clearly and pleasantly

in his private correspondence, especially with Laud. Nor does the Lord Deputy ever let the archbishop's table at Addington lack a supply of Lenten fish, caught by the sender in some Irish stream. At another time Strafford presents the Primate with prime Yorkshire beef, which proves so tough that the archiepiscopal teeth will not meet through it. But the squire of Wentworth Wodehouse is too good a patriot to hear, even from his spiritual father, a word in disparagement of any joint which has come out of the northern province. A royalist under James, Strafford never parted with his faith under Charles. He detested many of the courtiers; he never dreamed of finally separating himself from the king. The session of 1628 placed him on the republican side. He saw the king's mistakes, but remained a true subject of the monarchy. One of the most learned, if not the least prejudiced, writers on Strafford has even declared the criticisms on the royalists, attributed to Strafford when he was in the House of Commons, to have been, as a fact, in most cases delivered by another member of the same name, the Thomas Wentworth who sat for Oxford City.<sup>1</sup> Strafford had always been of a violent and imperious temper, which he made no effort to curb. If he were to act with a party, it must be, not as a follower, but a chief. When therefore Buckingham first, and others of his order afterwards, opposed or thwarted him, the bitterness of personal pique impelled him into the republican camp. Buckingham had in effect said to him, "Wor-

<sup>1</sup> Mozley's Essays, vol. i. p. 8.

ship me, and I will make you the first man of your day." Strafford refused the homage. His temporary transition to the "Pyms and Prynnes," as he called them, followed.

The son of Sir William Wentworth, a Yorkshire baronet, to whose title he succeeded in 1614, Strafford belonged to a family one of whose branches had sent popular champions to the House of Commons in Elizabethan days. Hence the confusion of name already commented on. The line from which he himself was directly sprung had been established in Yorkshire, at Wentworth Wodehouse, since the Norman Conquest. It was of close kindred to the oldest families in northern England. Such were the Houghtons, the Fitzwilliamses. Through Margaret, the grandmother of Henry VII., the Yorkshire Wentworths could derive their lineage from the Lancasters and Plantagenets. Throughout his political course, he was, as has been already seen, in constant and bitter antagonism to the order to which he belonged, yet he remained to the last far prouder of having been born a great aristocrat than of having, by dint of hard literary study, improved his gift of speech into lofty eloquence, and of dividing with Laud the direction of the realm. These distinctions might be all very well, but they formed the decorative fringe, not the central fact, chiefly near, as all his correspondence shows, to his heart. This fact was that, as a north-country magnate, he had no superiors in authority or sportsmanship among Yorkshiremen. After his natal shire he rejoiced in the Cambridge college at which he had been educated. This was St.

John's, about that time the nursing mother of an extraordinary number of famous men. Laud's college was St. John's, Oxford. The correspondence between the two men abounds in playful references to the two different societies of the same name. "What," at one place asks the primate, "means this Johnnism of yours? You learn this, I think, from old Alvye or Billy Nelson." There is probably some allusion here to the evangelical atmosphere which Laud affects to fear may have somehow subtly infected his friend's nature. Calvinism, let him remember, means a dry rot in Church and State. Cambridge studies or accomplishments, crowned by continental travel, sent Strafford in 1613 into political and fashionable life, a polished, but an unconventional specimen of the scholar and cavalier. King James at once welcomed him at Court. The death of his father in 1614, as has been said, left him the family baronetcy and an estate of £6,000 a year. The same year he took his first seat in the House of Commons, receiving about the same time the highest county office then at the Crown's disposal. This was the post of *Custos Rotulorum* for the West Riding; Buckingham's intrigues to dislodge him from it strengthened his early bias towards the popular party. Even after he had attached himself permanently to Charles he retained an antipathy to the palace *entourage* which made him to the last think and talk bitterly of the "Court vermin." In 1626 the king considered him a dangerous character who must be disqualified for the House of Commons by forcing on him the appointment of sheriff. The next year he refused

to pay the forced loan and was lodged in the Marshalsea. Having been during some sessions almost a silent member at St. Stephen's, he blazed out into anti-royalist speech of a very bitter and eloquent kind in 1628. The Commons then blamed Buckingham for all their grievances. Certain it is that, but for Buckingham's tactics, the master of Wentworth Wodehouse would never have been reckoned among the Opposition. As it was, he worked with Pym throughout all the stages of the Petition of Right. Charles I. had already offended the House of Lords by committing to the Tower the Earl of Arundel for having presumed to marry a lady of royal blood, a daughter of the Duke of Lennox, but really quite as much because Arundel had presumed to differ from the privileged Buckingham. This, however, did not prevent the Upper House from attempting to water down the Petition of Right by an amendment expressly reserving to the king "the sovereign power, wherewith your Majesty is trusted for the protection, safety, and happiness of your people." "If," exclaimed Wentworth, "we admit of this addition, we leave the subject in a worse state than we found him. We desire no new thing. We trench not on the king's prerogative to bring malefactors to legal punishment. But our laws are not acquainted with sovereign power." Then, with a suddenness which could not but have a sinister look, came the reaction. The social tastes of the great Yorkshire commoner had always been aristocratic and exclusive. Eliot, Hampden, and Pym were indeed country squires like himself, but on a much smaller

scale. They had, too, identified themselves with professional persons, lawyers, traders, shopkeepers, and "trash of that sort." Social affinities or repulsions are always apt to exercise, with those operated on by them, a transforming influence like that asserted by religion upon mankind in the mass. Listening to the Roundhead speakers as they denounced the sufferings inflicted by the king upon the souls and bodies of his people, Wentworth grew impatient, gave his long, twisted moustache an angry pull and muttered something to the effect of "D——d middle-class sentiment." Pym had long foreseen the result, hence his well-known words at Greenwich to his old colleague, "You are going to leave us. I will never leave you while your head is on your shoulders." A month before Buckingham's assassination the completeness of the reconciliation between the two men showed itself in Wentworth's promotion to the peerage and to the Presidency of the Council of the North. For these proceedings infamy scarcely seems the appropriate word. By the instincts of his nature, the accidents of his birth, the associations of his earliest days, and by the class prejudices, far stronger than any political convictions of which he was capable, the Baron Wentworth of 1628 had always belonged to the classes, among which he now titularly took his place. Ill-temper, a contempt for the men about the king, and pride, affronted by the treatment he had received from the courtiers, had driven Wentworth for a time to make common cause with the parliamentary patriots. The provincialism and the puritanism of these soon disgusted and

alienated him ; personal vanity sent him back to the divine-right monarchists. There had been going on, and had now come to a head, a process not so much of apostasy as of moral or immoral development.

During his tenure of Irish office, both as Lord Deputy, while still Baron Wentworth, from 1632, and as Lord-Lieutenant and Earl of Strafford from 1640, he so far acted on the principle *noblesse oblige*, as to show himself not only a strong but, in some things, an enlightened administrator. He had no sooner crossed St. George's Channel than he exultantly parades his inspiration by the most magnificent notions about the English monarchy. He revels magniloquently in plenary ideas of his own obligations and opportunities as its representative. In his first speech to the Vice-regal Council he declared, with great pomp of language, that if his policy were not accepted and executed he would put himself at the head of the king's army and persuade them fully that his Majesty had reason on his side. The words were clenched by his favourite oath, "On peril of my life and that of my children"—a formula which, in view of the sequel, may well seem of evil omen. Installed in Dublin Castle, he found disorder, confusion, waste, abuse, malfeasance and maladministration on all sides, high and low. The castle itself was used as an inn by all classes. Its internal economy and its elaborate system of etiquette were established for the benefit of later ages by Strafford. The order in which noblemen, commoners, and officials were to appear at the Vice-regal Courts was decided by Strafford in council with the king and a committee of the Upper House,

to which certain points were referred by Charles. July 14, 1634, witnessed the grandest ceremonial ever arranged in modern Ireland. On that day moved through the streets to St. Patrick's Cathedral a procession representing every order of the Irish aristocracy, each individual arranged exactly according to dignity and date of patent. Lord Brabazon bore the great man's train. Lord Kilmore carried the Cap of State. The procession was met at the great entrance to the Cathedral by the Archbishops of Cashel and Tuam, singing the "Te Deum," in which, according to one account, Strafford joined. After the religious service came the adjournment to the Parliament House, and the session opened. Strafford's vice-regal speech, pitched in his usual key of splendid braggadocio, does not seem to have been taken very seriously by himself. "It was," he writes to Laud, "pretty well, or even very well, by way of filling one of their senses with noise and amusing the rest with earnestness and vehemence." Strafford was, indeed, already beginning to be bored by his position and by a feeling of old age and grey hairs. "In good earnest," he exclaims, "he should wax exceeding melancholy were it not for two little girls (his daughters) that come now and then to play with me." This last is one of those touches essential to a complete portrait of the man, and redeeming from mere fustian magnificence this most self-conscious and melodramatic of autocrats. While governing Ireland, Strafford is seen at his best as an English gentleman, interested in the fauna and flora of the country, in its animal life, in its sports, and in its industries. He has

a park, Cosha, in Wicklow County ; his game suffers from predatory birds, yet hawks and martins are so useful in nature's economy that he will rather protect them in his woods than treat them as vermin to be destroyed. In Irish trade and industry he found an opportunity which just suited his talents and tastes. Before his time Irish manufactures had been limited to coarse and poor products in wool. Strafford feared that the encouragement of the woollen industry might bring Ireland and England into an unprofitable rivalry. On the other hand, flax grew well in the Irish soil ; Irish women were clever at spinning. He therefore established the linen trade. In a short time he set up a manufactory of his own ; the Irish cotton mills thus became an institution. He began with six looms, worked by "hands" imported from Flanders. A thousand pounds' worth of flax seed wisely sown, and the disciplined labour of the industrious Flemings, presented a prospect of enriching Ireland "beyond what it had ever known." "Why," he now asked, "should not the victualling trade of Hamburg be transferred to Dublin?" The diplomatic activities set in motion by him with the idea of realising this dream form another illustration of the vastness of his Irish policy. Strafford's commercial master-stroke was the reorganisation of the Customs. Before his time the Irish Customs were farmed by two ladies of the English Court—the Duchess of Buckingham and Lady Carlisle. Under that arrangement the annual product of this branch of revenue was twelve thousand pounds. Strafford bought up the patents of the two ladies on sufficiently liberal terms and sold them to the

great advantage of the State in the open market. As a consequence the Customs' revenue, from twelve thousand, rose to forty thousand. A tobacco farm, which had hitherto brought in from between two hundred to seven thousand pounds, was to be put up to twelve thousand (here there was some miscalculation which eventually compelled Strafford to take it himself).<sup>1</sup> Such, in the country that formed his special charge, was the Lord Deputy's practical way of showing forth "a popular monarchy that did its work and looked after the people." His grand, theatrical manner and passion for ceremonial display suited the taste of his Irish subjects. The crowds cheered him because they were better off than they had been for ages, and contrasted the leniency of the royal arm with the petty oppressions of their native lords. Whether the lords were great or small, English or Irish, it was these who chiefly schemed to bring about Strafford's recall, and who were the most useful instruments of the Commons in securing his final overthrow. When his appointment had first been made, it was a great noble of the day, Lord Powis, who in reference to Strafford's alleged claim to royal blood said, "Dammy, if ever he comes to be king of England, I will turn rebel." Strafford executed Laud's orders in his ecclesiastical administration ; in doing so he fell foul, among others, of Lord Cork. Cork had trespassed upon the space belonging to the altar at St. Patrick's by erecting a family monument. Strafford, acting for Laud, insisted on its removal. Strafford

<sup>1</sup> For these details and figures see Mozley's "Strafford," pp. 44, 45.

describes, with boyish delight, to Laud the Earl of Cork removing his monument in packages, as if it were "march panes and banqueting stuff." Westminster Hall, on the occasion of Strafford's often described trial, must have presented a scene not unlike that to be witnessed in a twentieth-century divorce court when a particularly painful and fashionable case comes on. The pauses between the acts were occupied by the fine ladies and gentlemen, who had front seats on the platform, laughing, chattering, whispering scandal, eating sweetmeats, or refreshing themselves with cordials. In particular, the conduct of noble and royal ladies would have been a scandal for a Boxing night at an East End theatre. As the king looked out through the curtain of his box he remarked that his peers and peeresses had still manners to learn.

It is assumed to be a function of the Upper House to support the executive in resisting the frantic demands of democratic passion. As a fact, the duty, as will be shown hereafter, has been most precariously performed always. Strafford's was a case in which one might have looked for something better from the Peers than pusillanimous abdication. Outside in Palace Yard an angry rabble shouted for his blood. In the Commons fifty-six members had voted for the Attainder Bill. The Peers had been visited by Charles in person, imploring them to banish Strafford, to imprison him, to do anything which might save his life. But the hereditary legislators dreaded "King Pym's" frown more than they respected their lawful sovereign's wish. Crowds besieged them in the street with a cry of "Justice! Justice!" Strafford's friends in the assembly

stayed away because the occasion was painful, and they could do him no good. It went against the conscience of the bishops to vote on a question of blood. The Bill therefore went up from the Hereditary Chamber to the king. The bishops' advice to their sovereign was that of casuists or lawyers, rather than statesmen. One of their number told Charles he had two consciences—a private and a public one: that the latter demanded he should doom his great minister to death. One prelate alone spoke with the voice of a brave and honest man. "Sir," said Juxon, "if your conscience is against it, do not consent." At last, after a day of conflicting emotions, the craven king at 9 p.m. called for the warrant, and, dropping on the parchment a pious tear, signed it. The personal contrast between the sovereign and the minister he betrayed showed itself in striking relief at this time. There was at least nothing of brag in Strafford's "I thank God I can look the people in the face, and death, too." Whatever may have been his final utterance about his king, Strafford's last words in writing were to his son. "Serve God diligently morning and evening, and have him before your eyes in all your ways." The one point in which Charles and his statesman resembled each other was the composure with which they both met their end.

"One of them would be too great to fear, and the other too bold to fly." Such had been Hamilton's warning to Charles about Strafford and Laud, when the Long Parliament met. The most powerful, even though he be, as Macaulay says, the most contemptible, among the spiritual peers of the seventeenth

century resembled the greatest of the temporal lords just described in the fact that his later career was largely a reaction from his earlier antecedents. His person was slight but wiry; he had ginger hair and complexion, and eyes like a ferret's. Though reckoned more or less of an invalid from infancy, Laud at no time as a fact wanted the necessary strength and energy for his labours. Neither did he lack the courage to transform his convictions and prejudices into facts, nor the infatuation to help Charles on the road to ruin by forcing, in violation of his oath, the English prayer book on the Scotch kirk. The Puritanism of the House of Commons drove Strafford into Royalism. The Calvinism of the Oxford where he was an undergraduate, by the power of repulsion, developed Laud into a High Churchman. The leading spirit of religious Oxford in those days was Humphrey, president of Magdalen, who Calvinised the divinity schools. Humphrey's faith was that which had been affected by the statesmen of his earlier days; by Walsingham, when Secretary of State; by Leicester, when Chancellor of the University. With no prestige of Eton, of any great public school, or even, as is sometimes said, of Merchant Taylor's Laud had come up from Reading Grammar School to St. John's, where he became successively scholar and fellow. In opposing himself to the current of the prevailing Calvinism, he could not fall back upon any established body of high Anglican tradition. Even those Oxford men who admired his abilities, who may even have had some sympathy with his views, remonstrated

with him on the part he had chosen. Laud first declared himself from the university pulpit in a Shrove Tuesday criticism of Puritan doctrines. The Vice-Chancellor Abbot, brother of the archbishop, replied on Easter Sunday with great and pointed severity. "Might not," addressing Laud, he said, "Christ ask, 'What art thou, Romish or English, Papist or Protestant? a mongrel composed of both; a Protestant by ordination, a Papist in point of free will, inherent righteousness and the like.'" Laud took this castigation quietly enough. "I was fain," he said, "to sit patiently and hear myself abused almost an hour together. Nevertheless, I will not be swayed from a patient course." He was as good as his word. Nothing could exceed his amiability and forbearance. "Never apologise; never explain, and let them howl," was the phrase in which a nineteenth-century Oxford theologian enunciated his principle of conduct against an opposition quite as bitter as that confronted by Laud. Jowett's words might indeed have been uttered by Laud himself; as a fact, they read like an adaptation of at least one passage in Laud's diary. The taunts and invectives levelled at the neologistic Fellow of St. John's were as arrows shot in the air. They did not seem to touch him; he entirely ignored them. He had now been for some time the most conspicuous Fellow of his College. His election to the vacant presidency was sharply opposed, but seems never to have been really in doubt. Denounced for his Papistical proclivities, he found a powerful friend at Court in Lord Chancellor Ellesmere. So bitter, however, was the

feeling against Laud that when his success was known one of the Fellows angrily tore up the paper recording the votes and stamped it, with an exclamation, under his feet. The new president of St. John's exercised the politic virtue of forgiveness by showering favours on this offender, who first became the husband of his niece, while installed in a fat benefice, and afterwards Laud's successor in the headship of the college. But though he had forgiven the hard or rude things done and said against him, he had not forgotten them. This was to be seen clearly enough when he translated himself from his university to the Court. His interest as a member of the House of Lords comes from the fact that he marks the end of an era. He is the last of the statesmen ecclesiastic who, from their place in the Upper House, had organised Parliament and governed the country without any break from the day that Archbishop Langton obtained the Great Charter. Laud's deprecations of Romanism were sincere enough. As regards ceremonial, dogmatic power, political ascendancy, and general majesty, he saw in the English branch of the Catholic Church an institution not to be Romanised, but rather to be raised above the level of Rome herself. To make the altar the arbiter of the Crown was Laud's idea. Apart from the Church, the king should have no money. With its sanction the royal coffers should be filled. Hence when Charles needed a loan, the archbishop revived the Elizabethan plan of tuning the pulpits, *i.e.*, commanding the clergy to lay before their congregations the hard case of our dear uncle, the king, brought into dire straits by unconscionable enemies

abroad, by a miserly and disloyal House of Commons at home.

At Court Laud had soon commended himself to the Duke of Buckingham; he became in fact the duke's chaplain first. After Felton's act of assassination he was practically installed as his successor in the royal councils. Before that he had exercised much of Buckingham's influence, in return for having written his patron's best speeches. It was the day of impeachments by the Lower House. Bacon came first, Lord Treasurer Middlesex followed. Now it was Buckingham's turn. Laud organised for him a clever but futile defence against the pack of lawyers at St. Stephen's who were hunting Buckingham down. The tenderness or sentimentalism which softened Strafford's nature was not wanting in Laud. He constantly suffered from passing ailments, from depression of spirits, and at times—unless his diary is to be counted an elaborate piece of hypocrisy—from an agonising sense of his own sinfulness. The shadow of the sword habitually lay athwart his path. For years he had a clearer presentiment of his destined, if remote, end than that which haunted Strafford himself. He had been chosen president of St. John's on the 29th of August. This was the day of John the Baptist's decapitation by Herod. The coincidence inspired Laud with a foreboding that never left him. Charles no sooner wavered in his support than his opponents took fresh heart and renewed their attacks. Laud's fine eye for theatrical effect in arranging court pageants had long made him the favourite minister. The palace

was especially delighted by the prodigality of magnificence with which, in 1636, when Vice-Chancellor, he had contrived a theatrical entertainment for the king, queen, and a brilliant suite. Yet, as has happened in many other cases, this external bustling and brilliant career was not inconsistent with an esoteric devotional life. Laud was really a religious man. So shrewd a judge of character as Strafford believed in his sincerity, or he would not have made him his friend. Apart from his work as a Peer of Parliament, Laud's true position is that of a pioneer of the Anglicanism which, by the name of the Oxford Movement, reached its goal during the first half of the nineteenth century. Reserved in manner, ungenial in temper, Laud could not have been widely beloved. But Pusey and Hurrell Froude were steeped in aristocratic prejudices. Laud had almost as much about him of the decorous socialist as a High Church bishop in the twentieth century. His attention to ritual, to more frequent and more decorous services, was that of the precursor of the Oriel and Christchurch reformers in 1832. Grasping the uttermost farthing from the great and rich, he relieved the poorer clergy by applying the principle of progressive income tax. The levy made on them, especially in the case of ship-money, was strictly proportionate to their means. During the Scotch war poor curates, or "stipendiaries," were exempted from all contributions. By a suggestive coincidence, the day of Laud's sentence to death by the Upper House was that on which Parliament abolished the Book of Common Prayer. With little of Strafford's essential greatness or high ability, Laud, merciful for

motives of expediency, often showed a littleness and vindictiveness to which Strafford rose superior. The four earls who (January 6, 1640) condemned him were those of Bolingbroke, Kent, Pembroke, Salisbury, reinforced among the barons by Lord North and Lord Grey of Wark. All these were Presbyterians. The only mercy shown by the Peers to their former leader was to substitute the headsman's axe for the hangman's gibbet, as demanded by the Commons.

Among the Laudian prelates, the first place belongs to Juxon, who dared, as has been seen, to give Charles the advice of an honest man in the case of Strafford. The episcopal bench in the seventeenth century contributed some notable members to the Opposition. Chief among these was Laud's predecessor at Canterbury and his consistent adversary, Archbishop Abbot. In appearance the most commanding, in accomplishments the most distinguished, and in manners the most churlish of the Puritan prelates, Abbot had no sooner finished his work, as one of the New Testament translators under James I., than he was sent on a northern mission to co-operate with Lord Dunbar for an union between the national Churches of Scotland and England. His Puritanism did not prevent his being a courtier in the pulpit. His primacy followed a sermon extravagantly adulatory of King James. Ellesmere showed a lawyer's indifference to theological schools by giving the same help which Laud had received from him, as regards the St. John's Presidentship, to Laud's most detested enemy, Williams, another Puritan, but as adroit a pulpit sycophant as Abbot himself.

The most interesting Peers on the popular side in the Long Parliament have been already described. In addition to Falkland and Bristol, there were also the Earls of Essex and Warwick, and Viscount Saye and Sele, whose pre-eminent craftiness had won him the nickname of "Old Subtlety." The most active and best-known member of the group was Thomas, Lord Fairfax. When, in their corporate capacity, the Peers decided on making common cause with the Commons against the king, Fairfax was between thirty and forty years of age. His family had always been strongly Protestant. His marriage with a daughter of Lord Vere made him a zealous Presbyterian. He had been a keen manager of the anti-Royalist group in the old House of Lords before his appointment to a command in the Parliamentary army. The military fame of Fairfax is eclipsed by that of Oliver Cromwell; but wherever physical courage, indifference to suffering, whether in himself or others, were required, Fairfax did not fall short of his mighty rival who had begun by being his inferior officer. Fairfax inherited his family title towards the close of the war. He signalised his promotion by an act of deliberate inhumanity. Besieging, and eventually taking Colchester, he indulged a purely personal animosity against the two chief officers who had defended the town, Sir Charles Lucas and Sir George Lisle. Lady Fairfax, who had previously stimulated her husband's Presbyterianism, now used her influence with him to resist the extreme measures proposed against the king. At the trial in Westminster Hall, she openly boasted of having prevented her lord from

acting as one of the judges. Had his life been prolonged, he would have been found among the Royalist leaders; Monk had no sooner declared for a free Parliament and the restoration of Charles II. than Fairfax employed all his authority, local and national, against the Republicans.



## CHAPTER IX

### FROM ALBEMARLE TO JEFFREYS

The Stuarts and the Lords—The attempts of Charles I. to create differences between the two Chambers—Harry Marten and the Lords—Cromwell's Upper House—Monk, Duke of Albemarle—George Saville, Marquis of Halifax—Charles II.'s visits to the Lords—Lord Holles—The Earl of Essex—James, third and fourth Earls of Salisbury—Ashley Cooper, Earl of Shaftesbury—How Habeas Corpus passed the Lords—The fat peer counts for ten—Hyde, Earl of Clarendon—The second Duke of Buckingham—Robert Spencer, Earl of Sunderland—Lawrence Hyde, Earl of Rochester—Sydney, Earl of Godolphin—Judge Jeffreys.

BEFORE carrying the personal story of the Upper House through the Protectorate to the close of the Stuart period, it may be well to summarise the chief occurrences connected with it for a short time before, as well as after the spiritual lords and the peerage itself had disappeared with the king. Part of the statecraft of Charles I. displayed itself in a systematic, but generally unsuccessful attempt to create differences between the two Chambers. This hope was encouraged by the Peers once having differed from the Commons in declaring supply ought

to have precedence over redress of wrongs ; though, even here, eventually the Lords gave way to the Commons. A significant suggestion of their practical unanimity is seen in the fact that it was a peer, the Earl of Bedford, a leader of the Puritan opposition, who brought in for his nomination borough of Calne a still greater parliamentary chief, John Pym himself. In the same ranks was to be found a noble who not only bore the title of the great kingmaker, but boasted some of his blood, the seventeenth-century Earl of Warwick, and whose special business was to represent Pym in the Peers. The chief risk of collision between the Houses came in the measure for excluding bishops from Parliament. The Lords dissented from this resolution of the Commons on the ground of its being an unwarrantable interference from outside with the constitution of the Senate. At this juncture the bishops somewhat failed in their office of peacemakers, equally to the discredit of their own order and of the assembly in which they had seats. In the December of 1641, the Puritan apprentices threatened the prelates, and in some cases, it would seem, actually laid hands on them. The spiritual lords were seized with a panic which prevented their showing themselves in the House. Williams, the Puritan prelate detested and persecuted by Laud, now as Archbishop of York organised a movement for cancelling all the proceedings of the Lords in the absence of their episcopal members. The temporal peers resented this attempt as an insult to themselves, and now joined the Commons in the attack on the bishops. When Charles II. was dealing with the immediate authors

of his father's death, he characteristically spared the life of the regicide, Harry Marten, in consideration of his consistently evil life. Marten was the professional wag of the Lower House who, when in the spring of 1649 the Commons were abolishing the Lords, wished to emphasise his contempt for the peerage by omitting, from the denunciation of it, the word "dangerous." Awe and reverence were sentiments to which this parliamentary merry Andrew was a stranger. It was he who, when the Lord Protector accidentally or sneeringly spoke of him as Sir Harry Marten, with a polite bow rejoined, "I always thought when you were king I should be knighted." In the debate which declared there was no place for the lords in the new commonwealth, Marten had asserted the antiquity of republicanism. "I speak," explained Marten, "biblically, meaning it ought, just as in the New Testament the man, blind from his birth, is restored to the sight he ought to have had." Cromwell's Parliament that met in January, 1658, contained a caricature of the Peers' Chamber. Here Oliver was even less successful than with his House of Commons. The nation noted with disgust the absence of the ancient aristocratic families, whose titles were a part of English history. The draymen and tapsters who had been left outside the new Senate angrily compared their own exclusion with the promotion to it of other tapsters and draymen, in no way their superiors. "King Noll's" "other house" was not taken seriously by the Commons, even by its creator, and still less by the country. Chief among Cromwell's lords were Des-

borough, Fleetwood, Fiennes, Monk, Pride, Oliver St. John, and Hazelrig; the last refused to sit in the Chamber to which he was promoted, and finally concentrated all his energies on its overthrow. The severest and most diverting description of the Protector's Peers was given by the first Lord Shaftesbury, when sitting for Tewkesbury in the Commons. "What," he exclaimed, "shall I say of their quality or anything else concerning them? The other House seems to me like the composition of apothecaries, who mix with their bitter drugs something grateful to the taste, that the medicine may not be spat out and never swallowed. A House," he continued, "of beggars and malefactors is a House of correction." Such was the Upper Chamber of the Lord Protector Cromwell. When Parliament decided on calling back Charles II., no Upper House was actually in session. As was said in the last chapter, Fairfax, now a titular peer, had recanted his republicanism, was ready and eager to co-operate for a royal restoration.

The historic promoter of the reaction was, however, the general whom Cromwell had created Viscount Monk, and who, in 1660, became Duke of Albemarle. Like Fairfax, Monk came of a family originally Royalist. Charles I., after giving him a Colonelcy, had employed him in both his expeditions against the Scotch, as well as under Strafford for the suppression of the Irish rebellion. Alike in the mutability of his views and the vicissitudes of his fortunes, Monk was a true type of the time. While in the Royalist army at the siege of Nantwich, he was taken prisoner by

Fairfax. After two years' imprisonment in the Tower he purchased his liberty by taking military service against the king. His conduct in Ireland (August, 1649), caused him to be summoned to the bar of the Commons, and to receive the sharp censure of the House. Soon after this reprimand, his inheritance of the family estate withdrew him from politics, but not for long from serving the Parliament. In the Dutch War, he took a naval command with Blake, and helped to defeat Van Tromp. During the interval between this and his final choice for Charles, Monk generally went with Cromwell, whom he helped to put down the Scotch rising against the Commonwealth. On February 11, 1660, this versatile tactician, while still an active leader of the Parliamentary army, returned to London, took his place in the Commons, and made the decisive stroke. Before this he had satisfied himself of the popular ripeness for the restoration. The 25th of April (1660) came. The Long Parliament met for the last time. Monk introduced an emissary from the exiled prince, Sir John Granville, who read a letter from his master to the House. A few weeks later (June 23rd) King Charles II. had been proclaimed. Monk was rewarded for his services by a dukedom, by enormous pensions, and by the titular premiership. Before his death, ten years later, he had an opportunity of repeating his earlier successes at sea by the infliction of a second defeat on the combined squadrons of Van Tromp and De Ruyter. The most famous of Monk's colleagues in bringing about the Restoration was George Saville, first Marquis of

Halifax. The ablest and shrewdest among those who visited the prince during his exile, he was the wittiest speaker in the House of his time ; his one failing was an inability to reserve for a fitting moment the good thing that rose to his lips. Thus, during the remarks which preceded the invitation to Charles, *à propos* of the hereditary principle in which he professed to believe, he indulged in the very audible aside, "but who chooses his coachman because his father was a good whip?" Once in the House of Lords Halifax showed the same consummate insight into his taste and temper as was displayed by Walpole in the case of the Commons. His calm, even languid manner, his well-bred and musical voice, his Horatian wit gave him an absolute mastery of the assembly. He regarded the place as a club, and was one of the first to use it undisguisedly for social purposes. Many of his best things were said within its precincts, if not actually during its discussions. With something of Lord Melbourne's interest in religion, he amused himself by talking theology with the bishops. He was, he complained to these spiritual lords, the most misrepresented of men. So far from being, as reputed, an atheist, he did not believe there was one in the world ; he was, he maintained, a good Christian, by submission if not by conviction ; he believed all that he could, and hoped it would not be laid to his charge, if he could not digest every hard dogma as an ostrich digested iron. Outside politics there were not many things which Halifax could take very seriously. Religion may have been one of them. Bishop Burnet, who knew him well, acquits him of deliberately

harbouring ideas hostile to Revelation ; he had never, we are told, read an atheistical book. Politically sympathising with many ideas of the Commonwealth, he was yet socially a product of the Restoration, a courtier, and a materialist. Chemistry, the modish science of the time, supplied him with nearly his most serious interest. When asked by a friend in the Upper House how, as a philosopher, he could hang himself about with bells and tinsel, in other words, indulge such a passion for titles, he laughingly answered that, the world being such fools as to value these matters, a man must be a fool for company's sake. Besides, though he considered these distinctions as rattles that pleased children, they might also be useful to his family. They were. He founded a great house, enriched it with a vast estate, and was succeeded by his son, a steady-going, sensible man, but, intellectually, much his father's inferior. The affected scorn of Halifax for the insignia of rank was equalled by the real contempt for savants and sciolists which accompanied his turn for physicisism. The chief oratorical achievement of Halifax in the Upper House belongs to a later date. In October, 1680, the Exclusion Bill came up from the Commons to the Lords. There are few well-attested cases in Parliament of speeches having influenced votes. But there is no doubt that the argument, the wit, and eloquence of Halifax secured the rejection of the measure.

In everything and in every place Charles II. gratified his master passion for enjoyment. His visits to the old House of Lords, where the Peers still sat, formed no exception to this rule. When he was not in the

arms of his mistresses, or playing with his spaniels in the park, he was often to be found lounging in the old House of Lords, where it has been seen the Peers still deliberated. He went thither as, in Burnet's words, "a pleasant diversion, and because weary of time, he did not know how to get round the day." On the throne, where he ought to have sat, he seldom remained long. "I am not," he used to say, "much of a walker, but I will back myself to saunter against any man in England." So he sauntered through Palace Yard into the lobbies, from the lobbies into the chamber. Here he generally stood with his hands behind his back, by the fire. The Peers were seated after an orderly fashion enough when the king came in. His entrance broke up their order at once, so that they ceased to be senators and became a rabble. First the royal visitor beckoned one of them to the fireplace, then another, till by degrees the Lord Chancellor, the Primate, the minor occupants of the Bishops' bench, the ministerial and the opposition leaders, as well as the neutral denizens of the cross benches, were all engaged in a friendly gossip with the king, who said it was as good as a play. Sometimes Charles had been charged by a favourite lady with a message to these hereditary statesmen about a vacant place in their gift. Then the talk was visibly more earnest, and the monarch's swarthy features, lighted by a flash from the angry eyes, told that he had found some peer insufficiently compliant. The king's two favourites were originally the Earl of Essex and Lord Holles; Holles, Strafford's brother-in-law, had been, in his youth, the intimate of Charles I., when Prince of Wales. After-

wards, joining Pym, he figured first as a popular chief, then as a Presbyterian leader. Like Culpepper, Falkland, and Hyde, a moderate by temperament and conviction, Holles had always seen in an efficient and limited monarchy the polity most suitable for the English people. With those views he was never inconsistent. He merely advanced in one direction as Strafford had progressed in another. The Commonwealth collapsed. Holles took a part in promoting the Restoration, scarcely second to that borne by Monk himself. For this Charles II. at once gave him a baron's coronet. A master, both of argument and elocution, in adapting himself to the taste of the Upper House, Holles had hit the Commons between the wind and water; he now showed the same adroitness in the Peers. The country party, as it was then called in the Restoration House, contained the nucleus of the Whig nobility; it also included that Earl of Essex, the son of a father, Lord Capel, brought to the block by his devotion to Charles I. Capel had, at an earlier date, opposed the sovereign whom he ended by declaring "the most virtuous and sufficient prince known to the world." Before this he had been with the opposition, where also his son had now permanently taken his place. The courtiership of Essex did not prevent his being an honest administrator. As Lord-Lieutenant of Ireland, he forfeited his favour with the king by protesting against the portion of the Irish revenue squandered upon the Duchess of Portsmouth, and against that diverted by the king to his own private purse. Essex was therefore recalled. Ireland re-

lapsed to the mercies of rapacious "Undertakers." Essex sat in the Upper House at home, an unmuzzled critic of the Irish policy of the Court. On the same side as Essex there were the seventeenth century (1640-1714) Marquis of Wharton, father of the more notorious or infamous Duke, the Earl of Salisbury of that day and the first Earl of Shaftesbury (1621-1683). The last, as Sir Ashley Cooper, had, when only nineteen, taken his seat for Tewkesbury in the Long Parliament. The Salisbury just mentioned filled nearly as high a place among the independent patriots whom Charles could not appreciate, but whom he feared to estrange, as had belonged to his famous Elizabethan ancestor. He must, therefore, be distinguished from his son, who lived under James II. The father reproduced many characteristics, moral and physical, of the original Burleigh; the son was of a mind as sluggish as his figure was ponderous, the scoff of the parasites, pimps, and gamblers who were his habitual associates. The popular estimate of himself he ascertained when, one morning, he saw fixed on his door a coarsely-written contrast between William Cecil the wise and the creature to whom the family honours had descended. Like others among his contemporaries, equally distinguished, Shaftesbury oscillated for some time between legitimism and republicanism. His pleasant manners and Monk's friendship had recommended him to the restored king. His reward came, first in a barony, with the Chancellorship of the Exchequer, then in the Lord Chancellorship, with the Earldom of Shaftesbury. A courtier, while at the same time a potential

Whig, he did the king's work by vindicating the foreign policy of the Cabal. It was in his speech on this occasion that Shaftesbury applied to Holland Cato's words about the city of Hannibal, "delenda est Carthago." Later, when he had been one of the instruments in overthrowing the Stuart dynasty, he rehabilitated himself by his share in securing the Habeas Corpus Act, and promoted a real law reform by inducing the Peers to insist on the judges being independent of the Crown. The records of the Lords contain a curious story of the way in which the Habeas Corpus passed their House. The traditional explanation is this. Lord Grey and Lord Norris were tellers. The latter of these, notorious for his absent-mindedness, had not noticed the entry of a very obese peer, whom his colleague Grey said should count as ten. Norris took this joke literally. In the figures handed by him, as teller, to the Chancellor this addition of nine to the true total sufficed to convert a minority for the measure into a majority. The result was received by the House with incredulous surprise. Shaftesbury perceived the mistake, while the recount was going on, rose and, on some casual topic, spoke for an hour. During his speech the House cleared itself, and could not be re-called. The Grey-Norris computation thus stood, and, thanks to Shaftesbury's ready wit, Habeas Corpus, upon false pretences, passed.<sup>1</sup> At the same time his popular sympathies did not prevent Shaftesbury from basing his "Defence

<sup>1</sup> Such is Burnet's narrative quoted by Cooke, "History of Party," vol. i. p. 95.

of the Declaration of Indulgence" on the ground that there is inherent in the Crown a power to suspend the laws. This peer therefore can scarcely be regarded a pillar of Whiggism in the Upper House. His nickname of "Alderman Shiftsbury" scarcely did him popular injustice. Among the personal intimates whom Charles gathered round the House of Lords' fireplace was another courtier, Clarendon, who, strangely enough, has ranked among the early Whigs.

Intellectually Charles has been described as the product of the combined influences of Lord Percy, of Thomas Hobbes, the philosopher, Clarendon, the historian, and the second Duke of Buckingham. Clarendon's "History of the Great Rebellion," though not published till 1704, was inspired by the reaction in favour of royalty that had restored Charles to the throne. No man ever owed more to his wise choice of friends than Clarendon. Trained at Magdalen, Oxford, and at the Inns of Court, he really educated himself by cultivating the society of Selden, the wisest and most learned lawyer and wit of his day, of May, the historian of the Long Parliament, of Sir Kenelm Digby, of Chillingworth, of Edmund Waller—both of them Falkland's habitual guests at Great Tew—and of Falkland himself. The terseness and condensation of Bacon, whether in speaking or writing, and the picturesque antitheses of Clarendon, scarcely invite a parallel between the two greatest literary peers of the seventeenth century. As to the respective morality of the two men, in the high office which they both filled, the analogy, so far as concerns Clarendon, is at least disputable. The second Duke

of Buckingham had a larger share of mother wit and not less of grace, culture, or accomplishment, than belonged to his father. Buckingham therefore soon became a first favourite. He made himself equally useful to Charles in the matter of the royal politics, finance, and amours; he introduced the king to one of his earliest mistresses, Louise de Querouaille, who became Duchess of Portsmouth; he also agreed to carry out the Treaty of Dover, by which Charles sold himself to the French. Buckingham had little of Shaftesbury's ability, but some of his superstitions. Like Shaftesbury, he imitated the king in his chemical studies, and professed to be as hopeful as was Shaftesbury himself of finding the philosopher's stone. He was an absolutely heartless and gratuitously cruel profligate. The mere vindictiveness of wounded self-love made him the instigator of Blood's attempt to assassinate the Duke of Ormond. The House of Lords at the Restoration occasionally performed those functions of a court of honour and morality which we have seen it perform three hundred years earlier, in the case of Humphrey, Duke of Gloucester. On the 7th of January, 1673-4, the Earl of Westmorland laid on the table of the House a petition against the Duke of Buckingham in the name of the young Earl of Shrewsbury, demanding justice for his father's murder and his mother's degradation. The notorious occasion was that on which Lady Shrewsbury, a daughter of Lord Cardigan, who afterwards by a second marriage became Mrs. Brydges, dressed as a groom, held her lover's horse while Buckingham, in what was called a duel, ran her husband through

with his sword. Thus arraigned in the Upper House, the duke admitted having had the hard fortune to kill the Earl of Shrewsbury, adding that it was on the greatest provocation in the world; "he had," Buckingham said, "fought him in a duel twice before, magnanimously spared his life, but had plainly told him not to presume indefinitely on this consideration." The noble homicide argued that, the dead man having so offended him, and his sovereign having pardoned him, he should be held innocent by his peers. This impudent reasoning seems to have been allowed. In the end the affair was allowed to drop. Buckingham's position at Court was improved, rather than injured, by the incident. In 1674 Buckingham, as a convert to Puritanism, co-operated with the Whig opposition. But years of debauchery had done their work. His days were numbered. Accident, not poverty, caused him to die "in the worst inn's worst room." On a visit to his Yorkshire estate, Helmsley, while out hunting, he was suddenly seized with so severe an aguish fever as to be unable to reach his house. Taken to the nearest village tavern, without being able to move, he passed away after three days. Buckingham had indeed been indispensable, not only as the minister of his monarch's pleasures, but as the tool of his politics. In the same year that his university, Cambridge, chose him for its Chancellor, he had proceeded to Paris as ambassador for concluding the first of the Dover treaties. This was negotiated by Buckingham alone. Those clauses of it which it suited him to reveal formed the subject of a second treaty, done collectively by all the Cabal

ministers. These treaties open a political epoch that only closed with the Revolution of 1688. Hence the real unity of the personal developments in the Upper House, comprised in the present chapter. The earliest change under Charles II. in the *personnel* of the Peers had taken place when, on his accession, Danby and four Roman Catholic lords were released from the Tower.

The overthrow of three administrations, those of Clarendon, the Cabal and Danby, had given urgency to the question, How is the king's government to be carried on? One answer was that given by Sir William Temple's scheme for vesting the administration in a rich and patrician oligarchy. In this, a place was to be given to Peers whose united income amounted to £300,000 a year, and to commoners with an aggregate of £400,000. The chief Peers included in this body were Essex, Halifax, Shaftesbury, and Sunderland (Robert Spencer). These managed the whole council; they soon became in their turn the instruments of the king. This Earl of Sunderland was the only son of the peer created by Charles I., having, as his mother, the heroine of Waller's verses, Lord Leicester's daughter Dorothy, immortalised by the poet as Sacharissa. He did the same disreputable diplomatic business for Charles which had been done before him by Buckingham. That finished, he intrigued with the Duchess of Portsmouth and the Duke of Monmouth against Danby, and placed Shaftesbury at the head of Temple's newly modelled council. The lordly junto that now, under Charles, ruled the country, was broken up by differences over the Duke of York's exclusion

from the succession. Sunderland, however, in opposition to Shaftesbury, so far prevailed in this matter as to secure his restoration to high office a few years later, by the expedient of renouncing Protestantism. Throughout these years, Sunderland, while officially in the pay of the Stuarts, not without good reason was suspected of working with those who had already decided on calling in William of Orange. He did not decisively disclose himself till 1685, when his complicity in the Dutch scheme could no longer be concealed. None of his contemporaries in the Upper House possessed an intellect quicker, clearer, more resourceful, more completely wanting in the ballast of principle, or in the steady force of conviction. Theoretically almost a republican, he shrunk in practice from no services, however abject, required by the most corrupt of monarchs. His passion for titles and display made even his abilities a reproach. Personifying the unscrupulous levity of his time, he had not advanced beyond middle age when in his advice to William III., he showed himself a representative of its shrewdest political wisdom. The king, he saw, could no longer divide his confidence between the two parties; he must repose it entirely in one or the other, if he desired a stable administration. That council, once given and followed, was, though by slow and small degrees, to produce the modern cabinet system.

In addition to those already mentioned, the hereditary Chamber supplied Charles II. with the wittiest and most profligate of his boon companions in Wilmot, Earl of Rochester, whose verses were to the

society of the Restoration what Tom Little and Don Juan were to the nineteenth century, and whose superficial cleverness, more than anything else, contributed to bring Hobbism into fashion. There was another and a less disreputable courtier of the same title, the second son of the famous Clarendon, brother-in-law of James II., the Earl of Rochester, formerly known as Lawrence Hyde. He it was to whom Charles II., having heard South's description in a sermon of Milton as a blind adder, spitting venom on the king's person, and of Cromwell as Baal, bankrupt, beggary, with threadbare coat and greasy hat, neither of them paid for, exclaimed, "Oddsfish Lorry! we must have that man in the House of Lords." This Rochester's course in the Upper House may be described as an unequal duel with Halifax. It was a case of hatred and suspicion mutually animating two ambitious men, each of whom knows that his rival deserves to be as much suspected and hated as himself. Rochester robbed the Treasury and robbed the king's private purse. His rivals at the palace, largely through the influence of Halifax, had their revenge in time enough to prevent his promotion to the Lord Treasurership, which then practically carried the Premiership with it. Rochester stuck by James II. when Duke of York. His calculating fidelity had its reward when, after his disgrace in the last years of Charles, he was placed at the head of the Treasury by the new king.

Hobbes, in his preface to the "Leviathan," bestows high praise upon the Sydney Godolphin whom Helston returned to the House of Commons under Charles I.

This probably was the uncle of the minister that stood scarcely second to Rochester or Sunderland in the confidence of James. Sydney Godolphin finds a place among the "Chits," satirised in the "Letters to a Friend in North Britain," by Dorset probably, rather than by Dryden. Here Clarendon is credited with law and sense; Clifford is admitted to have been fierce and brave. Arlington was an incomparable hypocrite, Danby a matchless knave. But when it comes to Rochester and Godolphin ("fiddlers singing at feasts"), the satirist could only exclaim, "Protect us, mighty Providence; for these madmen would bribe us without pence and enslave us without power." Godolphin, of an old Cornish family, had sat for St. Mawe's and steered a surprisingly independent course. He was rewarded with the barony of Rialton by the second Charles, and with the Secretaryship of State by James. In his youth, remarkably handsome, he possessed a pleasant presence to the last; as the owner of the "Godolphin Arab," he was probably the earliest statesman in the Peers to be cheered by the crowd whenever he showed himself on Newmarket Heath. In mental power above the average of his Chamber, he was probably not below it in political morality. Like his friend Marlborough, he passed and repassed, without scruple, to and fro between the service of James and William. One virtue Godolphin possessed. Endowed with an ample fortune, he knew not the temptation to put money from the Treasury into his private pocket. The greatest gambler of his time, he never risked a stake money which his means would not allow him to lose. He

did not, he used to say, care much for play in itself; he took to it in self-defence, because it relieved him of the obligation of talking to bores. Godolphin had much tact; he had been complimented by Charles on being never in the way and never out of it.

To complete the description of the Upper House under the last Stuart king, a few words must be said about a man whose character and career have been exhausted by Macaulay. This is Lord Jeffreys. A native of North Wales, educated successively at St. Paul's and Westminster Schools, he began practice as a lawyer, without, according to one account, having been regularly called to the bar. Amid the confusion produced by the great plague in London, hurriedly throwing a barrister's gown over his shoulders, he walked into court at Kingston Assizes, and then and there commenced barrister. Ingratiating himself with the citizens of London, he became Common Serjeant in 1670. From that day, he shrank from no art or artifice which could help him to climb the ladder of Court favour or professional promotion. His keenness in hunting to death Lord William Russell ensured his future promotion to the Keepership of the King's Conscience. The infamous "Bloody Circuit" which belongs to general history stained him with the blood of the aged, the defenceless, and the weak. Such were the services, rather than any professional eminence, which at last seated him on the Wool-sack. The year of his promotion witnessed his failure in Parliament, for during a debate about Lord Delamere's complicity in the western insurrection, Jeffreys made the mistake of trying to bully the

senate after the same fashion that he had brow-beaten alike juries, counsel, defendants and witnesses. He had however already begun to decline in Court favour. "Our wide-mouthed, high-paced tyrant sees that matters are brewing to break his neck," exclaims one friend of the chancellor. "As conjurers throw a dog or cat to allay the devil with," remarks another; "so he may be flung as a choice morsel to the next Parliament." James's ecclesiastical commission, established on the advice of Jeffreys, was the immediate cause of the king's fall. The flames thus kindled were to consume the chancellor himself. When James fled, Jeffreys did his best to follow. The "sign of the Red Cow" yielded him a momentary shelter from the fury of the mob. Delivered from the multitude, he was consigned to the Tower, only to die in three months' time, in the agonies of stone, to alleviate which he had turned his closing days into one unbroken debauch. The London house of this miscreant of the bench was in Delahay Street, Westminster. Till late in the nineteenth century its oak panelling and velvet cushions were much in the state in which their seventeenth-century owner must have seen them for the last time.

## CHAPTER X

### FROM STUART TO HANOVER

Popularity of Peers after the Commonwealth—Activity of the spiritual members—Danby, Duke of Leeds—William's two Secretaries of State: Finch, Earl of Nottingham, and Talbot, Duke of Shrewsbury—Sancroft, Archbishop of Canterbury—Compton, Bishop of London—Difference between the two Houses over James' successor—The Non-Jurors—Ken, Bishop of Bath and Wells—George Bull, Bishop of St. David's—John Tenison, Archbishop of Canterbury—Charles Mordaunt, Earl of Peterborough—Burnet, Bishop of Salisbury—Robert Harley, Earl of Oxford—Henry St. John, Viscount Bolingbroke.

**E**LEVEN years had passed since its forcible exclusion under the Commonwealth, when the Upper House entered upon a new lease of existence. The Peers re-assembled in their old home, to the south of the Painted Chamber. Whatever the indignities they had sustained during the Commonwealth, their popular reception in Palace Yard at once showed them to have suffered no loss of popularity during their long eclipse. The prominence of the spiritual peerage, at the end of the Stuart dispensation and again at the opening of the constitutional era under William III., links the ecclesiastical nobles of the seventeenth and eighteenth

centuries with the great episcopal statesmen of the Middle Ages. It was the acquittal of the seven bishops which finally broke the power of James. Other prelates took a chief part in settling William on the throne. Halifax had been selected to offer the crown to William. In the discussion and settlement of all constitutional details, the prelates were as active as the new king's first minister, Danby. Danby had distinguished himself under Charles II. by his readiness to incorporate the dogma of passive obedience into the law of the constitution. As manager of the secret service money, he was ridiculed for his blundering attempt to bribe the incorruptible poet, Andrew Marvel, when member for Hull. The offence which he had caused France and the papal faction combined with the enmity of Halifax to bring about his impeachment. The popular obloquy now raised against him was aggravated by the line which the pretended view of his obligation to the Crown and to his own Chamber prompted him to take; he was short-sighted enough to plead the king's pardon in bar of his impeachment by the Commons. These, after the fashion of the time, were just the antecedents to qualify him for a leading part in the political movement that was a negation of the superhuman title which he had affected to worship in the Stuarts, and an assertion of the right of Parliament to place the crown on whatever brow it chose. The Lords to whom affairs were entrusted by the new king were strictly his ministers. They did not form what would now be regarded as an administration. With the intriguer Danby advancing towards the Leeds dukedom as President of the

Council, the trimmer Halifax had a place at the Treasury board, beside the nondescript Nottingham, and the Tory Godolphin. William's two Secretaries of State were at the head of the Whig nobles of their time. Finch, Earl of Nottingham, had descended from the most capable lawyer who had supported Charles I. His colleague, Charles Talbot, twelfth earl and first duke of Shrewsbury, was the son of the peer whom Buckingham had killed in his particularly infamous duel, and was indeed identical with the youth whose wrong and whose mother's dishonour the Earl of Westmorland, in the manner described in the preceding chapter, had brought before the Upper House. Brought up as a Romanist, he had been converted to Protestantism by the arguments of Archbishop Tillotson. He had not only signed the invitation to William of Orange, but had placed his purse at that prince's disposal. William showed his gratitude, not only by heaping titles on him, but by an extraordinary tenderness of manner towards him, calling him his "king of hearts." A moderate Whig, Shrewsbury reluctantly followed his more advanced associates. His difficulties came to a head when William began his overtures to the Tories. Leaving politics, Shrewsbury retired to his country house. He only resumed office in 1794, on the promise of the dukedom. From this time he gravitated towards the Tory opposition, eventually coalescing with Harley; though even now, as throughout his correspondence with Godolphin and Marlborough, he left a clear path behind him for a return to the Whigs.

But it was the Spiritual Lords whose association with the revolution now forms one of its most interesting and instructive features. Among these political prelates a prominent place must be given to Compton, Bishop of London, and Archbishop Sancroft. Compton, a moderately-minded but entirely orthodox man, had long borne with the insults placed by James upon the Church. Reluctantly at first, but actively afterwards, he now supported William. Sancroft, throughout the reigns of the first and second James, as well as the first and second Charles, had combined some power in the State with unbroken preferment in the Church. The nephew of a head of a house at Cambridge, he owed his fellowship to his uncle's favour; he retained it through the good offices of the poet Milton, who secured him a dispensation from signing the League and Covenant. In 1651 came the "engagement." From that alternative there was no escape. Rather than submit to it, Sancroft quitted his university. He was now free to exercise his powers of satirical writing upon Calvinism and Republicanism. This he did in two treatises, much talked of at the time, but forgotten long before his death. He had become acquainted with William of Orange while attending Charles II. in his Dutch exile. In his advocacy of William, he now showed his personal bitterness against the fallen dynasty, to be expected from one who, in the better days, had been its most cringing adherent. Of the half dozen groups into which, like the Peers, the nation divided itself after the flight of James, Sherlock's party, the strongest among the clergy, was for opening negotiations to

restore James, on terms that should guarantee the safety of the English Church. Sancroft and his friends maintained that the perverseness, stupidity and superstition of the fugitive sovereign justified his being treated as a lunatic and being replaced by an administration which the estates of the realm were to nominate. Practically this was also the view of the titled renegade whom the advent of the Prince of Orange was to create Lord Carmarthen before he became Duke of Leeds. An organic law of the English monarchy, as Danby argued, prevented its ever being really vacant. This reasoning logically pointed to the recently born Prince of Wales as already the successor of the fugitive king. Doubts, however, had been raised as to this prince's legitimacy ; he had already been proclaimed King of England by his father's host, Louis XIV. of France. These things account for his being so generally ignored in the discussions on the subject. The only heir of James recognised by Danby was his daughter, the Princess of Orange. She therefore was already *de facto* and *de jure* Queen Regnant. It followed that her husband was King Consort. The strict Whig argument did not find much favour in the Upper House. The gross abuse of his power by James had, the Whigs contended, broken the contract between king and people, expressed on one side by the Coronation Oath, and on the other by the Oath of Allegiance. The English monarchy had never been absolutely hereditary. The crown, therefore, whatever constitutional purists might say, had become vacant. It must be filled by the election of a national king,

subject to conditions that would be a guarantee against misgovernment. And now arose a serious difference between the two Houses. The majority in the Peers was strongly Tory and were in favour of a regency during negotiations for the future with James. In the Commons, the Whig doctrine, already explained, received practically unanimous support. The Lords now did what they have in effect always done, when the opportunity has been given them of acting as a check on the popular assembly. After a little delay and some few conferences, they accepted the ruling of the Lower House. They voted, without a division, that the Prince and Princess of Orange should be declared King and Queen of England. Meanwhile, the French king's aid had encouraged the departed James to recross the channel (February, 1689) for a descent on Ireland, and there to summon a Parliament of his own ; this comprised fourteen peers, ten of whom were Roman Catholics.

Besides the non-juring bishops, presently to be mentioned, only a few members of the Upper House persisted to the last in refusing the oath of allegiance to William and Mary. There were of course many lords who long continued to grumble at the new dynasty and to drink after dinner to the king over the water. Their Jacobitism, however, was little more than a sentiment. Their memory of all the losses and indignities they had suffered from the deposed king did not allow the feeling to influence their actual conduct. The first of the prelates to decline the oath was the very divine who had done so much to bring about the Revolution. San-

croft as Primate led the non-juring bishops. The best known of these bears a name scarcely less familiar to most Englishmen than the Book of Common Prayer. Ken of Bath and Wells, a Wykehamist, permanently imparted to the educational system which produced him the colour and character of his own ecclesiastical views. Appointed chaplain in 1674 to the Princess Mary, on her marriage to William of Orange, he had never stooped to be a courtier; he rebuked openly the vices of Charles II. When that king moved his Court to Winchester, bringing with him his mistress, Nell Gwyn, he billeted the lady at the house occupied by Ken, as a fellow of the college. The destined host refused the honour of her reception, again risking the monarch's wrath. Charles, however, admired the courage thus shown, and nominated him to the first bishopric falling vacant, that of Bath and Wells. The new prelate showed his consistency in becoming one of the famous "seven" who were arraigned by the Crown for refusing to read the Declaration of Indulgence. At the deathbed of Charles, he, though present to administer the consolations of the Church, did not succeed in excluding the Papal confessor who received the moribund monarch into the rival communion. On being exiled from his see, Ken found a home at Lord Bath's mansion, Longleat, where he composed his devotional works, as well as the morning and evening hymns to which he owes his immortality. In addition to Sancroft and Ken, seven occupants of the episcopal bench refused the new test; of that number, however, three died before formal deprivation of their dioceses.

The non-juring schism long survived its authors, whose disciples violated their wishes in the same way that the avowed desire of Wesley, in a like matter, was disregarded by his disciples ; that is to say, the original non-juring leaders consecrated prelates of their own, with the result that the sect only died out as the nineteenth century came in. Another clerical member of the Upper House who, in matters of Church polity, approved the non-jurors, though he did not follow their example, was a man whose tall, dark, pale presence was said to be the most picturesque belonging to the Chamber since Strafford. This was George Bull, Bishop of St. David's ; his views, his writings and their far-reaching authority, entitled him to be considered the pioneer of modern High Churchmanship. A native of Wells and a good scholar, he used to be rallied by his contemporaries in the Chamber for pronouncing Latin in a broad Somerset accent, that would not have disgraced Squire Western himself. His fellow townsmen at Wells fondly called him "our Samuel," because his parents, standing at the cathedral font, dedicated him at his baptism, like the son of Elkanah and Hannah, to the service of the temple. The evangelical party of the Church at this time found a leader in a man whose father had been ejected from his East Anglian living for fidelity to Charles I. John Tenison, to whom William gave the primacy in 1694, made his ecclesiastical mark when, in 1670, he confuted a charge of Hobbism by writing a book to expose the absurdities of Mr. Hobbes. Like another member of his school in the Church, Bishop Beveridge, whose writings vindicated the

learning of eighteenth-century evangelicalism, Tenison strove to bring about such a revision of the liturgy as would reconcile Dissenters to the Church. The High Church Queen Anne commended this liberality, which Jersey, then Master of the Horse, disparaged; did not her majesty know that Tenison, in a funeral sermon, had spoken more warmly than Christian charity required of the royal mistress, the notorious Nell Gwyn? "So I have heard," replied the Queen, "it is a proof to me that the poor creature died a penitent at last. If I can read a man's heart through his looks, I know that, unless Nell had made a good end, the doctor would not have spoken of her as he did." Tenison, on taking his seat in the Upper House, was welcomed with marked warmth by one or two peers, generally counted as not less indifferent to spiritual gifts than was Halifax himself. This archbishop too, in a matter of the same kind as that which had called forth Ken's rebuke of Charles II., showed a courage in dealing with William, such as Ken himself could not have surpassed. The king's relations with Lady Villiers had become a public scandal. "If," said Tenison, "your majesty will not pledge me your word never to see her ladyship again, I must desist from coming to your court." William gave the promise. Tenison was the only high dignitary of the Church whom the king consented to see on his deathbed. Living through ten years of Anne's reign, he dared to oppose in the House several of the Court measures. "As for the Bill against Occasional Conformity, so far from regarding that practice as a vile hypocrisy, I think that it is the duty of all moderate Dissenters,

upon their own principles, to adopt it." One of the commissioners, appointed in 1709 for effecting the union with Scotland, Tenison strongly supported in the same year, in a full-dress debate in the Peers, the resolution that the Church of England was in a most safe and flourishing condition. This perhaps explains why Swift called Tenison "the most good-for-nothing prelate, and the dullest man I ever knew." Swift accepted the doctrines of Christianity; he practised many of its moral precepts. But his zeal was for the Church as an institution first, and for its religion afterwards.

Among the members of the Treasury board who, before the accomplishment of the Revolution, had openly declared for William, Charles Mordaunt, Earl of Peterborough, attracted the largest share of popular attention. His volatility was as well known as his generosity or courage. There was, however, no one whom, according to Burnet, William trusted more. Going to sea when a boy, he had served in the Mediterranean fleet under Torrington, but had exchanged the navy for the army to serve at the siege of Algiers. On settling down to English life, he showed his popular sympathies by associating with Lord William Russell and by accompanying Sydney to the scaffold. One of William's associates at the Hague, before the Prince of Orange came to the throne, Mordaunt had not rooted himself so deeply or firmly in his sovereign's confidence, as for a time seriously to fall out of favour. He retained, however, his military commands, and soon afterwards went on foreign service. The sudden transformation scenes

in which his career abounded became positively bewildering from the changes of his name. He had started with the style of a commoner. Being the nephew of Henry, second Earl of Peterborough, he had received as a special mark of the new sovereign's favour, an earldom of his own—that of Monmouth, at William's coronation. In 1697 his relative's death made him, by inheritance, Earl of Peterborough as well. Suspected complicity in the Fenwick plot against the king's life lodged him for three months in the Tower, but proved only a temporary check to his dazzlingly eventful and perplexingly varied career. His own generation saw in him the principle of the kaleidoscope in the flesh. The Monmouth title seems not to have been used. As Peterborough, he commanded an English army in the Peninsula, during the war of the Spanish Succession. Neither with or under Marlborough, nor with or under any one else, could this intractable genius have amicably served. Early in 1700, he wished to command both the British fleet and the British army at once. Having exhausted all the phases of the soldier's profession, he amused himself with the equally exciting battles of diplomacy. The warrior and ambassador abroad was metamorphosed into the man of pleasure, of fashion, of politics, the literary and generally intellectual dabbler at home. So long since as 1722 he had married the best-known beauty on the operatic stage of his time, Anastasia Robinson. Other engagements of the same kind prevented his acknowledging this wife as his countess till shortly before his death, at Lisbon, in 1735; she survived him till 1755. Whether

Peterborough was a hero or an impostor must be left for experts in the man, like Lord Ribblesdale and Mr. Stebbing, to decide. Certainly he reflected in himself the most showy accomplishments of his age. Speaking in the House of Lords, he displayed much the same arts and met with the same reception as Lord Rosebery to-day. Sometimes his smartness approached too nearly to impertinence. This was the case when, in the House of 1711, during a debate raised by Lord Cowper and Lord Scarsdale on the difference between the Privy Council and the Cabinet, Peterborough defined the former as being credited with knowing everything and knowing nothing, and the latter as boasting that nobody knew anything except itself. Asked by a friend why he was a Tory, he replied, "Because that d——d Marlborough is a Whig." "The conscientious champion of the Church of England," in the debate on the Septennial Bill, he remarked that if the present parliament were continued beyond its originally contemplated term, he must (begging leave of the episcopal bench) express the manner of its existence by the language of the Athanasian Creed. "We shall be neither," he said, "made nor created, but proceeding." The joke, when made by Peterborough, may have combined the charm of novelty with the piquancy of irreverence. It has been so often adapted since as to seem rather flat now. Peterborough's distinctive quality was a superb impudence, tolerated only because he was a peer, applauded when he became the vogue.

Among the wearers of the lawn sleeves and white surplices, at whom the irreverent Peterborough poked

fun, was a prelate, conspicuous by his massive, well-poised head, his dignified presence generally, and by the best pair of legs that ever wore the gaiters. Burnet, Bishop of Salisbury, born at Aberdeen, was a marvel of precocity, even for a land fertile in such portents. At ten he had begun his studies in his native university; at fourteen he was a Master of Arts and a forthcoming candidate for the Professorship of Civil Law; he decided, however, upon the Church; went both to Oxford and Cambridge, won the friendship of Tillotson and other divines. Like Sancroft, he became acquainted with William during a visit to Holland. Returning to England, he made himself, both in the pulpit and with the pen, the most distinguished clergyman of his time. Sated with zealous and prolix preachers, Parliament, in the seventeenth century, was disposed to fight shy of sermons. None of the peers or commoners then in the habit of attending the Temple Church complained of Burnet's homilies being too long. At the end of the Stuart period, Speaker Onslow and Sir John Jekyll went one Sunday to hear the large, strong-made, bold-looking man, in whom they recognised one of the greatest orators of his age. The subject of the discourse was "Popery." When Burnet had preached out the hour-glass, he took it up, held it aloft in his hand, and turned it up for another hour. On this, an exceptionally large congregation showed such delight that, according to the two visitors just named, it almost shouted for joy. "Burnet," said his parliamentary observer, "preached then, as he usually did, without

notes, and was, in face and person, the finest figure I ever saw in a pulpit." Hatred for the moderate churchmanship, represented by Burnet, inspired the Tory suggestions for his epitaph.<sup>1</sup> Admired by the great, Burnet was, for those times, extraordinarily considerate for the poor. His diocesan inspections reversed the usual practice and made his clergy the bishop's guests, instead of hosts. The prelate regaled the parsons with the best the first inn at the market town could afford. He supplemented the income of poor livings out of his own purse, in addition to the grants from the Queen Anne's bounty, which he was instrumental in securing. Here, as elsewhere, Swift's malignity against Low Church betrayed him into an attack on Burnet, rendered pointless by his inaccuracy. Swift speaks of William's favourite bishop grudging this help to the Church. Queen Anne did something towards setting the fashion both in piety and patriotism. Her own thrift enabled her to surrender £10,000 a year for national purposes and £17,000 a year for poor livings.

In the seventeenth century, about the time that Falkland was immortalising himself by his hospitalities at Great Tew, just outside the neigh-

<sup>1</sup> "Of every vice he had a spice,  
Although a reverend prelate,  
And lived and died, if not belied,  
A true dissenting zealot.

If such a soul to heaven should stroll  
And 'scape old Satan's clutches,  
We then presume there may be room  
For Marlborough and his duchess."

bouring town of Burford, a clergyman named Birch was winning national reputation as a trainer of great men. Among his pupils were Harcourt, Lord Chancellor ; Trevor, Chief Justice of the Common Pleas ; and many members of both Houses. The most famous of his youthful charges was the eldest son of Sir Edward Harley, of Hereford. The boy, Robert, may be said to have begun life at the Revolution, when he joined his father in raising a troop of horse for the Dutch invader, who became William III. In the House of Commons, as member for Tregony, Harley won and maintained the most useful reputation which can fall to the lot of a parliament man. The quality may be more serviceable in the Lower House than the Upper, but, wherever a statesman be placed, a certain first-class mediocrity has often proved more useful than genius in English public life. Such was Harley's forte. As Earl of Oxford, he sometimes amused and often irritated the House of Lords by reproducing the cant and snuffle of Puritanism which he had first caught in his childhood. Here was another reason for his personal incompatibility with Bolingbroke, who taunted him with being a housekeeper that had made a mistake of sex and occupation. Few things certainly seemed so congenial to him as the petty details and economies of household and state. No conceivable community of interests, no identity of hatreds and needs could ever have made Oxford and Bolingbroke anything but hearty enemies. The earliest associations of both men were curiously alike. The most famous of the early Roman Catholic Dukes of

Norfolk had, we have seen, been brought up by an enthusiastically Protestant aunt and by the martyr-ologist, Bishop Fox. Henry St. John resembled Robert Harley in being the product of a Calvinistic and anti-monarchical household. In the house of his Puritan grandmother he was taught by the great evangelist of his time, Daniel Burgess, who so dosed him with Dr. Manton's hundred and nineteen sermons on the hundred and nineteenth Psalm that he carried with him from home to Eton a bitter resolve to purge his mind of gospel cant. Harley's earldom and St. John's viscountcy as the reward of their services, in 1712, completed the estrangement between the two.

Of the men whose membership links the hereditary Chamber under the Stuarts with that assembly, as it was under Hanoverian sovereigns, the personal contrast between Harley and Bolingbroke lacks no element of dramatic completeness. The former chiefly owes to his ample wig and flowing robes the dignity of presence suggested by his portraits. In reality his physical proportions were not imposing ; his features were homely ; there was little impressive in his voice or his carriage. Whether his contemporaries saw in Harley's rival the greatest Englishman of his day, the finest gentleman, the most hardened reprobate, the most charming and instructive companion, or the most pernicious corrupter of youth, the handsome and graceful Bolingbroke fascinated the assembly that applauded his well-turned speeches, while he alternately dazzled and perplexed the ablest of his opponents or competitors. No man so often and so narrowly missed

the greatest of positions. Never did a career of such brilliant failure bequeath such a legacy and posthumous influence, as well as fame. The school which he created was as much of a reality when its precepts were revived by Disraeli in the nineteenth century as it was when Pope, Prior, and Swift hung for council on his lips. The greatest probably of his distinctions will seem to be that for centuries he has maintained his place as a model both of parliamentary oratory and of written prose. His works which have come down to us convey an idea of his stately and stirring periods. Of the lighter style which diversified his harangues in the House, tradition, that has handed down no whole oration, has preserved some specimens. Such is the account (1713) of the Duke of Marlborough. "So old a gamester finds it hard to leave off playing. It puts me in mind of a man I knew, who, when he had lost all his money and was out of the party, went home, shuffled the cards, and tried tricks upon them alone, all the rest of the night." From the Stuart claim of Divine right and the cant of non-resistance, he turned away with more of impatience than he did from Revelation itself. As for the Pretender, Bolingbroke had been to see him at St. Germain's. He brought back with him the disgusted discovery that the chevalier's religion was founded "not on the love of virtue and the detestation of vice, not on the sense of obedience due to the Supreme Will, but on a fear of the devil's horns and a blind submission to the Church of Rome. He has," added Bolingbroke, "all the superstition of a capuchin, but no tincture of the religion of a prince.

He is infinitely less fit than his great uncle, Charles I., and at least as unfit as his father, James II., to be king of Great Britain." While Bolingbroke nominally served the Pretender, it was with his tongue in his cheek. "Poor Harry's fault," writes Walpole, "was that he could not help laughing now and then at such kings and queens." Between 1712 and 1715, Bolingbroke alone, among the parliamentarians of his time, increased, as a speaker in the Upper House, the fame he had won in the Lower. His single genius had done something to enable the Peers in 1715 to affect several decisions of the Commons, as well as in 1723 to withstand Walpole in the matter of his own rehabilitation.

## CHAPTER XI

### EIGHTEENTH-CENTURY LEADERS IN THE LORDS

The Lords as a court of social justice and honour—Disinclination of Peers to oppose Commons—They, however, resist impeachments in William's reign in reply to "tacking" by the Commons—Robert Spencer, Earl of Sunderland—Influence exerted at different times by Upper House over Lower—Earl Somers—Edward Russell, Earl of Orford—John Churchill, Duke of Marlborough—Charles, third Earl of Sunderland—Charles, Viscount Townshend—Earl Stanhope—Philip, Duke of Whar-ton—John, Duke of Argyle—Atterbury, Bishop of Rochester—Robert Walpole, Earl of Orford.

FROM the point of view now taken, the close of the Stuart and the opening of the Hanoverian period forms a single epoch. The four hundred and seventy-three years separating Magna Charta from the settlement of 1688 have been shown in the preceding chapters to be marked by a general sympathy on the part of the Lords collectively with the political progress and social tendency of the times. Outside Parliament, public opinion was not yet sufficiently organised to express its disapproval of moral delinquencies committed by those in great place or power. In the case of the charges of injustice brought against the Neville family in the fourteenth century,

the Upper House has been seen to discharge the duties of a court of social equity. In the twentieth century Lord Rosebery has made himself the orator of the Empire. Under the Stuarts, Lord Ellesmere, as an impersonation of the Chamber over which he presided, often kept cases out of court by acting as a social or national arbitrator. Between two and three hundred years before the House took cognisance of the Buckingham-Shrewsbury scandal, it had accepted, in the case of Humphrey, Duke of Gloucester, a sort of collective responsibility for the outrage of public morals by individual members. Throughout the sixteenth and seventeenth centuries, the accusation, to which the Peers chiefly exposed themselves, is not a slowness of sympathy with popular feeling, as represented in the Commons, or as declared by the multitude, but rather a precipitate zeal for giving statutory sanction to the intemperate impulses of the hour. Not obstinacy but susceptibility to pressure was their besetting sin. As regards the fate, neither of Charles I. nor of Strafford, did the senate evince any serious disposition or real capacity to assert itself as a court of revision, or to arrest summary judgments of the elective House. If in sacred matters there was one thing which, as Macaulay recognises, had a deep hold upon the reverent affections of the English people at large, it was the Book of Common Prayer, in the shape in which its petitions and exhortations, its ordinances and its intercessions, have come down to us to-day. Yet in 1644 the Peers not only followed the lead of the Commons in condemning this manual of devotion ; they volunteered a declaration of

their own that the liturgy was a superstitious ritual. Illuminated and invigorated by a master mind, the Lords have dared to act on their own independent convictions. They did so, as has been shown in the last chapter, when under the spell of Bolingbroke. But their common practice has been to adjust their votes and actions to the unmistakable wish of the resolute and accredited interpreters, parliamentary or extra-parliamentary, of the popular mind. The early years of the eighteenth century, during the reign of William III., show indeed the disposition of the Lords to side with the Commons in the country rather than at St. Stephen's, when it is a question between the two. What the Peers generally seem to want is a friendly lead. So long as it be forthcoming, they do not much care by whom it may be given. In 1701 the Tory Lower House was possessed by a frenzy of impeachment. Bentinck, Halifax, Orford, Russell, and Somers, were successively arraigned by the Commons for treason. Meanwhile there had just been given a significant indication of public opinion on these outbreaks of party violence at St. Stephen's. William may have been unpopular; he was not at this moment so unpopular as the House of Commons. The grand jury of Kent had been moved to remonstrate with the elective chamber on its reluctance to grant the Crown its necessary supply.

At this juncture the question of "tacking" raised a fresh difference between the two estates. That the Lords had no right to amend a money bill which had passed the Commons was a constitutional doctrine, first established in the reign of Henry V. The

Commons, therefore, when bent upon carrying a measure unacceptable to the Lords, devised the expedient of tacking it to a money bill. The Upper House then had either to pass both or to throw government into confusion, and to incur unpopularity by stopping supplies. That, of course, meant to entrust the Commons with an ultimate control, enfeebling to sceptre and coronet alike. Irritated by recent experiences of this kind, and encouraged by the Kentish Petition, the Lords now plucked up courage to resist the impeachments of the Commons, to support the persons charged in refusing to appear, or to declare them acquitted. This is probably the first instance since Stuart times in which the Upper House, having dared to differ from the Lower, has had the support of public opinion. It was not, however, a case of the Peers taking the initiative in a policy. The first step had been made by the men of Kent. Daniel Defoe also was beginning to organise the newspaper press. The Peers, therefore, in reality following, not leading the ideas of the moment, knew themselves to be safe, and risked nothing. In our own times the most signal justification, at once by the popular verdict on the issue as well as by the political and national result of the senate's assertion of its independence, was supplied on the two occasions when measures in the direction of Irish Home Rule, reluctantly adopted in the Lower House, have been decisively rejected by the Upper. The House of Hanover, like its necessary Orange precursor, owed its existence to the leaders of both parties in the Lords. The first beginnings of the Cabinet system and of

party government were devised by the astute and unprincipled noble, in whose eyes loyalty to any master meant the same thing, so long as he pocketed the pay, who had sold the Stuart secrets to the Prince of Orange, and who, had the opportunities of reaction permitted it, would have betrayed the parliament-made king to the claimant by hereditary right. Of this peer, who did but conform his action to the usages of his epoch, something has been already said. The mixed administrations of William III. impartially expressed the new ruler's gratitude to the two great political connections which had called him to the throne. The first Earl of Sunderland had been, at different times, Whig and Tory, Anglican and Romanist, the champion of legitimism and the upholder of the parliamentary title. The first consequence of the king's acquiescence in his administrative advice (between 1693 and 1696) was the establishment of the great Revolution families as the first power in the State. It was not merely that William's abandonment of his attempt at neutrality in deference to Sunderland lodged administrative supremacy with a group of Whig peers. These were Charles Montagu, Lord Halifax, described already, Edward Russell, Lord Orford, Somers, both of whom will presently be reverted to, and Thomas, Lord Wharton, son of a Parliamentary officer in the civil wars, and, some years later, as Lord-Lieutenant of Ireland, the first creator of the Vice-regal Lodge as a social and fashionable centre.

Ever since the fifteenth century, the House of Commons may be said to have really ruled the

country. But never, from the time of John of Gaunt onwards, had the Lower House been so entirely the creation of the Upper as under William III. and his immediate successors. The aristocratic patron of the borough signified to the local authorities the member he desired to be sent to St. Stephen's. The time was yet distant when such instructions could be disregarded. With the single exception that, no more then than now, could money bills be initiated or altered in the Lords, the Upper House, under the early Georges, in its personal composition and in its authority, differed little from what the Lower House, under a constitutional monarchy, was to become.

Sunderland, having been excluded from the "act of grace," may never have received formal pardon for his systematic treacheries. That fact did not prevent his being a chief political wire-puller throughout two reigns. The first proof of his influence was the rise to power (1697) of the four peers composing the Whig Junto, already mentioned. Somers is now looked back upon as the patriarch of the Whig peerage. His elevation to the Chancellorship shows that even in the straitest period of Whig exclusiveness, brains and merit were sure of a career. Whatever party influences have preponderated, the monarchical polity has, in its working, combined all that is best in a democracy and most encouraging to humbly-born talents. John Somers, the son of a Worcester attorney, had known every disadvantage incidental to ill-health and the absence of great relations. The archives of Trinity College, Oxford, still contain evidence that, as an undergraduate, he gave little

promise of commanding distinction. Between taking his degree and being called to the bar, he supported himself by teaching, now in Oxford, now in London. He was first brought into public notice by his treatment of the Denzil Onslow election case at the Surrey Assizes in 1681. Very shortly afterwards he established his reputation as the possessor of the cleverest pen, the readiest and most eloquent tongue, on his circuit. Less than ten years sufficed to raise him, by the gradations of Solicitor and Attorney-General, to the Great Seal. Throughout this time, the influence of Somers formed the one counter agent to the ascendancy which the Tories seemed gradually gaining over the Court. That, without his guidance and control, the Whig party must split up into insignificant factions, had been shown by the part which Somers played in the conferences between the two Houses previously to William's accession. His alone were the arguments carrying decisive weight against those of Clarendon, Pembroke, and Rochester. Somers not only had been one of the junior counsel that secured the acquittal of the seven bishops, but it was a matter of universal knowledge that the mastery of the facts imparted by him to his seniors had alone enabled them to win the praise whose echoes had not died away when the Prince of Orange landed. The quiet dignity, with which, in 1700, Somers bore his supersedure by Jersey in the Chancellorship, won him the admiration of his opponents and, before he died, an unqualified expression of William's penitence for the affront. The friend of Swift, whose fortunes the great lawyer ever pushed at the Vice-regal Court in

Ireland, he was repaid with the ingratitude which sometimes characterised the discharge of such obligations by that embittered genius ; though the description of Somers as Aristides, in the discourse of the dissensions in Athens and Rome, may imply a compliment. Aristides was ostracised by the Athenians because they were bored at hearing him always described as "just." The political purity and personal virtues of Somers may in like manner explain the incessant attacks and attempts to remove him from office, made by his opponents and encouraged by his friends. The personal and social interest of the man, who was President of the Royal Society, as well as Lord Chancellor, appeals to a generation to whom in Lord Avebury the scientific peer has become familiar.

There is no doubt truth as well as beauty in Horace Walpole's comparison of Somers with a chapel in a palace, which remains unprofaned while all the rest is tyranny, corruption, and folly. Among those grouped round Somers in the Upper House was the seamanlike, high-complexioned figure of Edward Russell ; this naval officer, under his uncle, the first Duke of Bedford, had worked for William. He was rewarded, first by being made an admiral of the blue, afterwards by receiving the same title eventually worn by Sir Robert Walpole. In the naval engagement off Beachy Head, notwithstanding his success, Russell was charged by the popular voice with slackness in following up the defeated foe. It was therefore thought well he should exchange the command of the fleet for the head of the Admiralty. When his days of active service were over, the tide of titular honours

flowed steadily towards him, till his death under George I.

Charles II. had been two years in the enjoyment of his father's crown when there was entered at the school of Dean Colet, in St. Paul's Churchyard, an extraordinarily handsome boy whose odd manner, a mixture of courtesy and contempt, was said by one of the masters to destine him to future greatness. This was John Churchill, then twelve years of age. Churchill's family claimed its descent from the Courcils of Poitou, who came over with the Conqueror. The achievements of his father, Sir Winston Churchill, and of his grandfather, in the civil wars, had given the family a military reputation. Sir Winston was rewarded by a well-paid place in the administration. His daughter, Arabella, became maid of honour to the Duchess of York, his son John was taken from St. Paul's school, almost before he had learned his Latin grammar, to be page of honour to the Duke. The royal master and the little lad were both present at a review of the troops. "What profession," asked the royal patron, "would you like to follow?" A detachment of the Blues happened at the moment to be marching past. The boy fell on his knees and entreated "a pair of colours in one of those fine regiments." The fame of the conqueror of Blenheim was first founded on the field of Sedgemoor. To James II. the tidings of Churchill having left him formed the tragedy, scarcely to be relieved the next day by the farcical news of his son-in-law, Macaulay's "Est-il possible?" having gone too. It was the fault, not of this great soldier, but of his age, that, directly William found his arrival in

England to be the signal for his most serious difficulties, John Churchill entered into correspondence with the exiled king, expressed humble contrition for his past failures, promised to make amends by his future loyalty. The appeal was at least entertained, for from St. Germain's James at once promised to pardon, not only Churchill and his wife, but his friend, Godolphin. Churchill's explanation of his conduct recalls the defence put forward by Warwick the Kingmaker, of the encouragement he had given to Richard, Duke of York. Warwick had no intention of leading a movement against his lawful sovereign; he only wished to put pressure on the monarch to mend his evil courses. In the same way, Churchill was so very simple a creature that he never, as his wife put it, once dreamt of William dreaming of the crown. He imagined the Prince of Orange's sole design was to provide for the safety of his own country by obliging King James to keep the laws of ours. So far as Churchill was anything except a soldier, Marlborough was a Tory of the Stuart school. The friend of Godolphin, he at heart detested the new dynasty and its measures, as much as they were detested by Bolingbroke, or even by the Princess Anne. Like many other peers of the period, Marlborough found a congenial charm in the easy manners and conversational wit which the second James shared with his brother, the second Charles. Churchill also did not, so easily as many of those about him, habituate himself to William's cold and repulsive manners. Political antagonism may be the product of personal antipathy. But the first Duke of Marlborough's preferences or dislikes were

more uniformly regulated by motives of money than in the case of his descendants. With the formal tender of his duty to the new king, Marlborough's conscience was satisfied. As prudent as he was avaricious, he hesitated, on his wife's instance, to accept the dukedom. It was, they both of them said, a great burden in a family where there were many sons. Marlborough himself had only one son, a lad of great promise and studious tastes who died while only seventeen, at Cambridge. His father carried to the grave the wound left by this death. "Since," he sadly exclaims to Godolphin, "it has pleased God to take him, I wish from my soul I could think less of him." All the philosophy of fatalism which fortified him in ordinary conjunctures had failed him under this great trial. In Parliament this great general was no more of an orator than the Duke of Wellington, but like Wellington, he could be a most effective speaker, and put exactly what he thought and wished to say in the fewest and clearest words. His chief political service was the part he played in carrying the Scotch Union Act against a formidable combination of English Tories, of Scotch Jacobites, and, under a queen whose affections were already enlisted, against the Hanoverian succession, on behalf of her Stuart kinsmen. It has always been with sensible critics the highest praise of a general to profit by the mistakes of his opponents. Here doubtless lay the secret of Marlborough's boast that he never lost a battle or a siege. As regards his domestic place in the House of Lords, his duchess, Sarah Jennings, may, in Swift's words, be called the cause of his greatness and his fall. She

survived her husband by more than twenty years, till October, 1744. Her opinions, which include her husband's most secret self, are contained in the autobiography published by Lord Hailes in 1788.

The homogeneous administration formed the contribution to politics of the first Lord Sunderland. The energies of Marlborough's son-in-law, Charles, the third Earl of Sunderland, were exercised as actively in the interests of his party as those of his father had been displayed in the service of the Crown. The elder Sunderland's death, at the beginning of the eighteenth century, called his heir from the Commons, where he sat for Tiverton, to the Lords. His diplomatic employments, at Berlin, Vienna, and Hanover, were an excellent preparation for his work in negotiating the Scotch union. His position, both in his assembly and in the country, is shown by the fact that the combined resistance of Tory talents in Parliament and press did not prevent the Whigs from forcing him on Queen Anne. When at last High Church pressure withdrew him from office, he was offered, by way of solace, a pension of £3,000 a year. His refusal of it was conveyed in the words, "If I cannot have the honour to serve my country, I will not plunder it." His father might have smiled at words which rose quite naturally to the lips of the son. Joseph Surface, in the play, exclaims, "Nothing is so noble as a man of sentiment." This was the age of fine sentiments, as of patriotic toasts, and, as such, was thoroughly understood by the younger Sunderland. In the period now reached, he was best known as the promoter of the Peerage Bill which Walpole defeated. This measure was suggested

to Sunderland, by the hope of checking the authority of the Prince of Wales, with whom he had quarrelled. If successful, it would have made the Upper House the chamber of a narrow, exclusive, and reactionary caste. The limitations it proposed on the royal prerogative of creating fresh titles made it, in Walpole's description, "a bill for preventing our sons becoming noblemen."

Negotiations for the parliamentary and national union between England and Scotland (accomplished in 1707) had brought into prominence another of the eighteenth century's great political families. Charles, second Viscount Townshend, shared some of the most distinctive qualities of his famous relative, Robert Walpole. In appearance, dress, and manner, an East Anglian squire, he gloried in the roughness and impetuosity of his bearing. Not apt at argument, he let it be seen that he considered any one who differed from him a fool. His language was generally rustic and perplexed; the substance of his remarks never lacked good sense. His courtesy, like his acumen, notwithstanding his rough surface, was innate. Few things are less creditable to his cousin, Robert Walpole, than that statesman's inability smoothly to co-operate with so amiable a kinsman. In spite of his overbearing temper, those who differed from and disliked him most, were often constrained to confess that he was right. Townshend's knowledge of French, the only medium through which George I. could converse with his ministers, gave him an advantage over all other members of the Cabinet. It also procured the minister admittance into the king's most

private life. Townshend indeed alone enjoyed the privilege of supping with his sovereign and his mistresses. Quarrels, arising out of a misunderstanding between George on the one hand, and both Sunderland and Stanhope on the other, resulted in making Townshend, for the time, master of the administration. That statesman's enemies were, however, soon to enjoy their revenge. Sunderland, by universal consent the most unscrupulous and successful intriguer of his time, now played on the king's jealousy of the Prince of Wales. Lifting his eyes to heaven and placing his hand on his heart, he swore by all he held sacred that the Duke of Argyle had enlisted both Townshend and Robert Walpole in a conspiracy against George I., in the interests of the future George II. Townshend was therefore at once sacrificed by the jealous monarch. Walpole indeed might have stayed if he would, but he refused. Sunderland, who had learned all the details of the transaction, drew an amusing picture of the three personages concerned, blubbing alternately tears and curaçoa, lamenting that, though each of them loved the other more than life, they must all part. The plot ended by Stanhope becoming First Lord of the Treasury and Chancellor of the Exchequer. There was then a French writer whose books about English society told foreigners all that they knew about London and Englishmen more than they could have known of themselves. This author describes the Whigs as a united party with the longest purses, the best swords, the ablest men, and the handsomest women. Of those, to whom these words apply, James

Stanhope and his family were types. Descended by a younger branch from the Earls of Chesterfield, the first Earl Stanhope, after doing something in the Oxford Schools, began life as a soldier of fortune with his sword. From Spain, he passed into Italy. There he volunteered for the Duke of Savoy's army. In 1694 he joined the English forces in Flanders, and was made by William a captain of Footguards, with the usual rank of lieutenant-colonel. In 1702 he served under the Duke of Ormond at Cadiz. His final and most famous achievement in the English army was the reduction of Port Mahon; this exploit was to provide him afterwards with his second title, as the passage of the river Douro suggested the marquisate of the Duke of Wellington's heir. Meanwhile Stanhope, as member for Newport, had become the friend of Townshend and Walpole. It was their patronage rather than any political aptitudes of his own, which brought him into line with the Whig leaders. The impetuous and inflammable temper which had something to do with Stanhope's success as a soldier was one of the causes of his death. The Lord Wharton who, as stated above, formed one of the Whig Junto and, as the Crown's representative in Ireland, originated most of the social functions of the Vice-regal Court, had been succeeded by his son, Philip, the most notorious among the blasphemers and profligates of the eighteenth-century peerage. No attempts at his moral reformation had been left untried in his younger days by his distressed relatives. He only made the grand tour to convince each successive capital that he concentrated in himself the

blackguardism of every city and of every climate. Family bereavements, such as humble most men to the dust, confirmed Wharton in the sottishness and sensuality which degrade human nature below the level of the brutes. On the 4th of February, 1721, from his place in the Peers' Chamber, Wharton attacked Stanhope for his alleged connection with the South Sea Bubble. Ministers, said the duke, particularising Stanhope, had made the reign of George as hateful to Englishmen as Sejanus rendered that of Tiberius hateful to the Romans. The charge was a pure calumny, unworthy of a brave and honest man's notice. Stanhope, however, notwithstanding his conscious innocence, was stung to the soul, jumped to his feet, successfully repelled the accusation, but with so much vehemence as to produce an apoplectic attack that carried him off next day. "Let it be eternally remembered, to the honour of Earl Stanhope, that he died in the king's service poorer than when he came into it." To this contemporary comment on the incident was added the remark, "the great Walsingham died poor, but the great Stanhope lived in the time of the South Sea temptations."

Before leaving these actors in the drama of their time, something must be said about another historic character whose name was introduced into its Cabals. The portrait in the "Heart of Midlothian," of John, second Duke of Argyle, is historically faithful. Born in 1678, he was a boy when William gave him command of a regiment in 1694. Inheriting his Scotch honours in 1703, he received, two years later, the supplementary English barony of Chatham and

earldom of Greenwich. As a soldier, he fought at Oudenarde in 1708 ; he became commander-in-chief of the British forces in Spain three years later. In the debates of the Upper House, he was not only a chief supporter of the Protestant succession, he unmasked some of the most dangerous intrigues against it. In 1713 was proposed a measure which seemed likely to affect the great Scotch whiskey interest. Immediately the patriotic Argyle was up in arms against it. He brought forward, and was within some half dozen votes of carrying, a motion against the union. Next year the Crown found it had no occasion for his services. His appointments were declared vacant. The accession of George I. brought him again into favour at Court, and placed him at the head of the British forces beyond the Tweed, during the risings of 1715. At the same time, from his place in Parliament, he spoke tellingly against Bolingbroke's Schism Bill for crushing Dissenters. In the course of the debate he even crossed swords with Bolingbroke's pet prelate, Atterbury, Bishop of Rochester. Though a soldier devoted to his profession, Argyle detested and dreaded nothing more than militarism. Hence his effective arguments for a reduction in the standing army. William did not like it, but said nothing. Atterbury, the most conspicuous of the political prelates of his time, had promised to help Bolingbroke, on Anne's death, to proclaim the Pretender at Charing Cross. He remained the chief thorn in the side of the Hanoverian dynasty. In 1723 came the debate on the proposals for his banishment. Argyle's speech carried the resolution. The year 1736 was that of the

Porteous Riots, described in Scott's novel. By way of punishing the city in which these took place, it was proposed to deprive the Edinburgh Corporation of several ancient privileges. Argyle's patriotic resistance was as strong on this point as it had been on the malt tax. He offended the Court and the government; but he won the day, and incurred no personal loss by his efforts.

His position in the Upper House, during his later years, was in its way unique. Handsome John Campbell had become the idol of his countrymen, of all classes, Jacobites or Hanoverians. It was to him, and not to their representatives in the Lower House, that Scotchmen in every part looked for intercession with the powers that be or for redress of their wrongs. No concern was too humble for Argyle's care. No responsibility overtaxed his strength. It might be a village postman or an obscure schoolmaster in a hamlet not to be found on the map that desired a word to be spoken with the king or his premier. To the duke the petition was addressed. Argyle seldom refused the petitioner. When he had once taken the matter up he still more rarely failed to carry it through.

Walpole matured the Cabinet system which Sunderland had introduced and made the Lower House the chief power in the State. He died a peer, but is especially associated with the Chamber that he for years controlled. His latest biographer, Mr. John Morley, has rendered it needless to revive here Walpole's days in the Commons, the social and moral atmosphere in which had been brought up the Norfolk

squire who, on his way to the Orford peerage, had been the first in a long line of great prime ministers. Nor need one recall how his father, the "most excellent fellow" among sportsmen at the covertside among the justices of quarter sessions, and among the votaries of the bottle, so far obeyed Horace's maxim about the "reverence due to boys" as to dislike being seen by his son in an advanced state of mellowness as to say to the boy, "Come, Robert, you drink twice while I drink once, for I will permit no child of mine in his sober senses to witness the intoxication of his father." How, the convivial influences of home life notwithstanding, the lad picked up so much Latin and Greek under a village tutor at Massingham, close by his home, that he not only took a good place at Eton on his entrance, but ran his classmate, Bolingbroke, close for several prizes and, on leaving the school, got a scholarship at King's, Cambridge. These things are known to the most superficial readers of elementary *belles lettres*. He wanted but four years of three-score and ten when, in his own phrase, the king "insisted on kicking him upstairs"; dying at sixty-nine, he enjoyed his peerage but three years. His personal and conversational gifts would have fitted him to play the same part in the social life of the Upper House as he had done in that of the Lower. Chesterfield himself might have envied some of Walpole's cynical epigrams. Such was his remark that he had only known one woman who would not take money, and she took diamonds. A more benevolent humour underlay the saying about his old Jacobite friend, "I will not undertake to declare who

may have been corrupted. This I know, that Shippen is incorruptible." "You may ring your bells now. By and by you will be wringing your hands," had been his characteristic comment on the music from every church tower which expressed the popular satisfaction at the war with Spain, to which he had reluctantly consented. His Excise scheme (for levying the taxes on tobacco and wine, on the quantity made at the manufactory instead of at the port of entry) fourteen years before he took his seat in the Lords, had given his political position a shock from which it never recovered. Samuel Johnson, in his dictionary, defined the proposed impost as "a hateful tax upon commodities, fixed, not by common judges of property, but by wretches hired by those to whom excise is paid." It was the great mistake of Walpole's life, and he might have known it to be such. It was a step taken with the idea of conciliating his adversaries. That was a policy which he had himself stigmatised as foredoomed to failure. When reproached, while Prime Minister, with the dismissal from the army of two officers who had voted against him in the House, he had at once replied, "I should be but a pitiful Premier if I suffered those who are against me to continue in employment." Walpole was gazetted Earl of Orford, February 9, 1742. Two days later he resigned. Lord Limerick was the peer who signalled this accession to the Chamber by moving for a secret committee to inquire into the last ten years of the new Earl's ministry, and especially of his use of the secret service money. The result was that

those whom it was necessary to examine refused to answer the questions put, but the Lords rejected an Indemnity Bill; it therefore amounted to a verdict of not proven. The only set speech made by Walpole as a peer was delivered (February 24, 1744) on the subject of the threatened invasion of England by France. Its reception by the Peers went some way towards justifying the forecast that Lord Orford's fame in the hereditary Chamber would not be far below that of Sir Robert Walpole at St. Stephen's. But, as a peer, his political work for the future was to be done beneath his own roof. His health and spirit were both broken; he talked of shutting himself up in the remotest wing of his house at Houghton. When told, "My Lord, you will be at a great distance there from all your family," he gloomily replied, "So much the better." The Tory triumph of Pulteney had of course endangered his neck. Walpole knew it well. Some one had spoken of the Dutch general Smitsart as too old to be hanged. "Aye," commented Orford, "I thought I was, but I may live to be mistaken." As a peer Walpole no longer led his party at Westminster. But to the last he made his Norfolk seat the great social rallying centre of Whiggism. The cult of the country house, as a social force in English politics, if indeed it had not begun with Lord Bath at Longleat, under James II., may be said to have been founded by Lord Orford.

## CHAPTER XII

### A REPRESENTATIVE SENATE

Queen Anne the last sovereign who attended the sittings of the Lords—The number of members in the Upper House—The object of the Peerage Bill—Charles Seymour, Duke of Somerset—The Duke of Ormond—John, Earl of Stair—A sailor peer, George Byng, Viscount Torrington—Viscount Molesworth—Granville, Lord Lansdowne—Charles Lennox, Duke of Richmond—William, Earl Cowper—The Anti-Papist Bill in the Lords—Cowper a Jacobite and Papist.

FOR several reasons the Georgian period opens a new era in the personal story of the Upper House. Queen Anne not only presided at the meetings of her ministers. Following the example of her uncle, Charles II., during the session she habitually occupied the throne placed for the sovereign in the Peers' Chamber. Neither the first nor the second George showed the slightest disposition to maintain this custom. The language in which was conducted the business of the Cabinet and of the Assembly was to them a foreign one. Here, as elsewhere, their ignorance of the English tongue caused them to shrink from interfering in State matters. It proved therefore eminently favourable to confirming the new doctrines of constitutional

monarchy and ministerial responsibility. The only step in the direction of political absolutism was taken during these years, not by the sovereign, but by the Whig majority in the Upper House. Sunderland induced the Whig lords to support a project for converting a Parliamentary estate into an exclusive and a perpetually dominant oligarchy. That defeated transformation suggests a brief review of personal changes actually effected in the composition and status of the Upper House during the periods whose leading personages have thus far passed before us.

In the last Parliament of the Middle Ages, that of 1454, the lay peers who attended the meetings in the Painted Chamber or in the White Hall numbered fifty-three. To the same place of assembly, in the first Parliament of Henry VII. (1485) were summoned only twenty-nine. Henry VII. took fifty-one as his maximum. That total, on Elizabeth's death, had risen to fifty-nine. Meanwhile the spiritual peerage had been diminished by thirty-six abbots or priors, who disappeared on the suppression of the monasteries. Against this reduction must be set the five new bishops created by Henry VIII. Under the four Stuart kings the creations were 193. On the other hand, during this epoch ninety-nine peerages became extinct. The Revolution of 1688 therefore found not more than 150 members in attendance at the old House of Lords, south of the Painted Chamber. The effect of the additions made by William and Anne was to raise the total to 168. In 1707 the Act of Union with Scotland added sixteen representative peers from the northern kingdom, elected

at the beginning of every Parliament. That was not the only change in the assembly under the Stuart queen. In 1711, to strengthen the Tory administration of Harley and St. John, Anne created a batch of a dozen peers. The House resented this cheapening of its collective dignity for the convenience of a faction that the Court happened to favour. Once sanctioned the Crown's right of indefinite creation, the control of the deliberative by the executive would be irresistible. Sunderland, in the next reign, decided to impose a limit upon a prerogative of the Crown admitting of such easy abuse for political ends. These were the days in which the Whigs had the same kind of permanent majority in the Upper House as the Conservatives have been able to count upon since.

Sunderland we have seen to be the chief political wire-puller of his day. This aspect of his character received a fresh illustration under George I. As was then usual in the House of Hanover, the heir-apparent lived in a state of political feud with the reigning monarch. The Prince of Wales and his Tory friends were known to have declared their intention, when they had the opportunity, of doing as had been done by Queen Anne. If, in the new reign, the Tories were to carry on the government, they must be backed by a powerful majority in the Upper House. That was what, in 1719 and 1720, the ministry of Stanhope and Sunderland determined to render impossible. In this way originated the Peerage Bill (1719-20). In that project Sunderland had the assistance of two colleagues, the Duke of Somerset

and the Duke of Buckingham. Of these, Charles Seymour, best known as the proud Duke of Somerset, was the more important. Born in 1662, Somerset, in 1678, had succeeded his brother the fifth duke. This brother, the most profligate of nobles in a day when nobility and profligacy were nearly synonyms, had been shot by an Italian rival, Horatio Botti, in a scandalous love affair. The successor of that luckless peer became George I.'s Master of Horse. In violation, as he said, of a promise given to himself, his Jacobite son-in-law, Sir William Wyndham, had been sent to the Tower. Somerset at once marked his displeasure by telling his understrappers to cast off the royal livery and to don the uniform of his own household. He then proceeded to put all his badges of office into a heap in his courtyard. A common dust-cart was then sent for. The insignia of office with other refuse were placed in this. The duke superintended the shooting of the rubbish into the yard of St. James's Palace. Perfectly satisfied he then returned to his own mansion. This duke found several entertaining methods for carrying his hauteur into the bosom of his family life. His second wife, a daughter of Lord Winchelsea, affectionately tapped him on the shoulder with her fan. His Grace drew himself up, looked severely at his spouse, saying, "My first duchess was a Percy, and she never thought of taking such a liberty." A ducal namesake, the painter, James Seymour, drank his health one day to the words, "I have the honour of being of your Grace's family." The proud duke rose from the table, summoned his steward, "Pay Seymour his

bill and send him away," were the only words which this grand gentleman's rage suffered him to articulate. Occasionally this flower of ducal chivalry met his match. Several outriders preceded his carriage whenever it pleased him to take the air. "Get out of the way!" said one of these to a countryman who was driving a pig along the road. "Why?" stolidly asked the other. "Because my lord duke is coming and he does not like to be looked at." "But," was the reply, "I will see 'un and my pig shall see 'un too." With this remark the man held up the animal by the ears in full view till the ducal retinue had passed. Such was the hereditary legislator who co-operated with Sunderland in the infatuated project of converting an hereditary but really representative senate into an exclusive and detested caste. In 1719, with the royal consent, Somerset brought in the Bill which Sunderland had prepared for practically abolishing the prerogative of bestowing titles. The Upper House then stood at the figure of 178. Except in the case of princes of the blood and for filling vacancies caused by death, the Crown was to surrender the right of making more than six fresh peers; though for the sixteen elective peers of Scotland twenty-five hereditary peers were to be substituted. This insane Bill passed the Lords without difficulty. Only the energies and influence of the future Lord Orford secured its rejection by 269 to 177 in the Commons. "If," argued Walpole, "this proposal be carried into effect it is the Upper House, not the country, that will first feel the disastrous results. A seat in the Lords is now an object

of honourable ambition, obtainable by commoners. Let it cease to be this. Let the people see an Upper House hermetically sealed in collision with their own representatives, having separate interests from the body of the nation. The Lords will be looked upon as the permanent enemies of the whole untitled population. There would be no constitutional means for overcoming this enmity. Force would therefore be called in to supply the necessary agency. A majority of the landowners, the whole mercantile interest of the country would be gradually ranged against the Lords." The Peerage Bill therefore, though designed as a method for giving the Whigs perpetuity of official tenure and reducing Toryism to impotence, might at any moment have the effect of sweeping away the House of Lords. The year after the Duke of Somerset was defeated the Duke of Buckingham repeated the attempt with practically the same result. The man of the highest ability and character who supported these proposals in the Upper House was Stanhope. His death (February, 1721) under circumstances already detailed, produced a noticeable change in the relations of the dominant Whig nobility behind the throne. Hitherto the chief power had belonged to the Whig peers who saw their natural chief in the king.

More than twenty years afterwards, the solitary speech delivered by Walpole in the Upper House, as Lord Orford, went some way towards improving the relations between the Sunderland Whigs and the Tory heir-apparent. But at the earlier date, Sunderland, like others with whom he acted, pro-

fessed to believe that, if in the next reign the Whig lords were to guarantee themselves against parliamentary extinction, it could only be by a measure like that which their leader now forced upon the king. The Tory policy would be to annihilate all that had been accomplished by years of Whig labour. The Peerage Bill alone seemed to promise any security for the country or for the Upper House against such a calamity.

To Ireland and Scotland originally belonged two of the most interesting figures in the social life of the Georgian senate, the Duke of Ormond and the Earl of Stair. Both of these had helped to bring in William III. Both, after the establishment of the new dynasty, occasionally looked back with more than regret to the exiled Stuarts. As Lord-Lieutenant of Ireland under Anne, Ormond began with a conscientiousness that was not then the political fashion. He first fell into disfavour with the Irish Parliament because he insisted on a real audit of the national accounts. This alternate show of favour to Protestants and Papists made both his enemies. When the two, uniting to hunt him down, got on the track of his overtures to the Old Pretender, Ormond crossed the scent by leading the hue and cry against Marlborough. In 1712 he superseded that general as commander-in-chief. For a man who had been trained in a petty German principality and had mixed little with the world, George I. sometimes surprised people by the ready happiness of his repartee. Quite in the best Stuart vein, for instance, was his reply to the deistic Bishop Atterbury, when scaring him with

the bogey of Jacobitism: "My lord bishop, I believe in the rebels as little as you do in Jesus Christ." It was a lay peer, a friend of Atterbury, to whom George once paid a surprise visit. The host saw that the sovereign noticed an ill-executed portrait of the Pretender. "A pictorial libel," he stammered out, "on one of your Majesty's Stuart kinsmen." "Ah," replied the king meditatively, "now that you mention it, I see a family likeness." Anne had not inherited the intellectual qualities of her race, but could appreciate cunning and craft where she could not recognise ability or was afraid of it. Ormond's conduct of the campaign in the Low Countries was marked at every turn by duplicity. It secured him the special thanks of the queen. On his return he became the queen's first favourite, as well as the idol of the multitude. The magnificence of Ormond's daily life, the splendid profusion of his household, his readiness to patronise artists and men of letters, made him the Mæcenæ of his day. George I. dismissed him from the captain-generalship of the forces, but could not shake his position with the multitude. By way of deepening his hold upon the masses, and exciting obloquy against an administration with which he had quarrelled, Ormond encouraged the belief that his enemies had decided on his impeachment. "High Church and Ormond," was the cry that greeted him as he passed through Palace Yard to the Peers' Chamber. The nascent newspaper press was used for stimulating the applause of the gallery, to which he played. About the middle of June, 1715, the public journals recorded how the Duchess of Ormond,

on her return from Richmond, was stopped in her coach by three well-armed, well-mounted and disguised ruffians, who asked whether the duke was with her. At the same time the Richmond Road was patrolled night and day by men in masks, doubtless for the purpose of assassinating his Grace. These devices, if they succeeded with the populace, were also instrumental in bringing upon Ormond the fate for which he had from the first professed to believe he was unjustly singled out. After the longest debate for several years—one of nine hours' duration—Ormond's impeachment was decided on by a majority of 47. About the same time the Irish Parliament not only attainted him, but placed a price of £10,000 on his head. The remainder of his days in exile or at the mock court of St. Germain's presented the usual contrast to the bright beginnings of careers such as those of which Ormond's was a type. To the fashionable world, to its social fringe, and to all those who make a livelihood by ministering to its pleasures and luxuries, Ormond, at his prime, seemed the same sort of hero that Bolingbroke, during his years of splendour, had been to an environment of peers, parasites and pimps. Conspiracy is a trade which, from the world's point of view, can only be justified by success. As a conspirator, Ormond fared less fortunately than Bolingbroke. After being in turn dismissed from the service of the reigning sovereign in England and of the Pretender in France, Bolingbroke fell back on his family resources and died in the state of a nobleman on his Battersea property. Ormond, like Bolingbroke, contrived to keep his

head on his shoulders to the last, but, being without Bolingbroke's private resources, ended his life in solitude and exile abroad.

The Scotch peer who has been classed with Ormond displayed the national caution in avoiding Ormond's occasionally paraded complicity in the Stuart intrigues, from whose taint few of the most loyal supporters of the Protestant succession were entirely free. Ormond had been seduced to Jacobitism by restlessness and vanity, rather than by affection for the fallen house. Conviction and interest alike raised John, Earl of Stair, above the temptation to deviate from the path of Hanoverian loyalty. His career presents, in many points, a parallel to that of the first Duke of Argyle already described. Like Argyle, Stair was a born soldier who had learned his profession chiefly in Holland, under the eye of the Prince of Orange. Stair, however, possessed accomplishments and was not proof against temptations of which Argyle knew nothing. Marlborough shared the English prejudice of his day against Scotchmen; he appreciated, however, Stair's personal qualities so much that the great general made him an exception to the rule, and missed no chance of pushing his promotion. Thus Stair became one of the most famous of the earlier colonels of the Scots Greys. Among several diplomatic posts filled by Stair was that of ambassador at Warsaw. Though a Scotchman, Stair was not a screw. He spent, indeed, so much on his embassy that he found himself in straits; he had exhausted the professional moneylenders. Assistance came to him from a junior officer in one

of the regiments he had commanded. This gentleman (named Lawson), with whose Scotch blood a certain Jewish strain mingled, lent Stair £18,000. The ambassador's plate and equipage were thus saved from being impounded by his creditors.

If consistent loyalty for personal obligations conferred in early life might have been expected to show itself among any of the eighteenth-century nobles, it might have been looked for in the profession adorned by Edward Russell, the first Lord Orford, whose peerage had died with him. Frankness, simplicity, and gratitude are virtues becoming to a sailor, even though, as in the case of the first Lord Torrington, he might happen to be a naval officer who had filled the highest commands. A face and a complexion deepened and hardened by exposure to the weather, a tone of voice as of one accustomed to give his orders in a storm of wind, a very noticeable roll in his gait, an unconscious trick of hitching up his trousers as he walked and while he was speaking, won for the first Viscount Torrington, in the House of Lords, the nickname of "the skipper." His fourth son was the ill-starred Admiral Byng, who probably finds his best apology in the ironical humour of Voltaire's "Candide" (ch. xxiii.); but if the English commander was to blame for not going near enough to the French, the French commander was equally to blame for not going near enough to the English. Like Nelson, the nautical founder of the Torrington peerage came from an inland home. James II., when Duke of York, started the lad on his naval career, which he followed with brilliant service on

shore. So before Torrington, a fighting servant of the Commonwealth, Admiral Blake, distinguished himself equally with the fleet and with the army. One of the twentieth-century Field-M Marshals, Sir Evelyn Wood, began in the navy (1852), and first made his mark under Peel in the Crimean Naval Brigade. If not actually one of "Kirk's lambs," it was at Kirk's advice that in 1681 he took to land service, only a year or two later to find himself afloat again as chief lieutenant of the *Oxford*. The favour neither of the Duke of York nor of James II. permanently secured Torrington's constancy to that royal house. Directly the Stuart star began to decline, Torrington followed the turncoat fashion of the time and went over to the Prince of Orange. He held several high positions under the new dynasty; under Anne he crowned the edifice of his fame as a scientific seaman and of his fortunes as one of the wealthiest families in his native county of Kent.

Swift's "Public Spirit of the Whigs" contains a bitter attack upon a peer whose greatest crime was mediocrity. Steele put forth a clever defence in "The Crisis." The subject of this controversy was the first Viscount Molesworth. It was neither his destiny nor his desire to dazzle his generation by great achievements in war or peace, at home or abroad. He wished and laboured rather to instruct it. Molesworth had the acquaintance and respect of the ablest men of his time. Shaftesbury, author of "The Characteristics," while still a stranger to him, thought so well of his volume of "Travels in

Denmark" as to make overtures for his friendship. John Locke and Molyneux consulted him on their projects for the improvement of mankind. The movement which most interested Molesworth was that for diffusing among all classes information—social, political, and scientific—such as might help them in their daily life. From this point of view he was a pioneer of those agencies for propagating useful knowledge which, in the nineteenth century, were to be associated with the names of Charles Knight, Lord Brougham, and Lord Lansdowne. Granville the polite has been commemorated by Pope.<sup>1</sup> The accident and associations of the name invite some supplementary words about him here. Not connected by race with the later bearers of the Granville or Lansdowne titles, he foreshadowed in his generation some of the qualities which to the twentieth century seem characteristic of both. The grandson of the Sir Bevil Granville who fell in the battle of Lansdowne, 1643, he had been educated in France, and throughout his life spoke the language with the same ease and elegance as it was spoken and written by the Lord Granville who filled the office of Foreign Minister in the Victorian age. At Trinity, Cambridge, he passed for the best classical scholar of the peerage since Tiptoft, in the fourteenth century. Granville had also been the most earnest and convinced of the more intelligent supporters of the Stuarts. His ancestors had laid down their lives for Charles I. He thought it was reserved for himself to perish if need be in standing by James II., when all had

<sup>1</sup> Prologue to the Satires, p. 135.

forsaken him. Lansdowne loved literature and the stage so much that, as a speaker, he never did himself justice in the senate. As a dramatist, he achieved a success scarcely less than that of Buckingham in his own generation, and Bulwer Lytton in ours. "The She-Gallants," afterwards called "Once a Lover, Always a Lover," was applauded by the critics of the Theatre Royal, Lincoln's Inn Fields, for its artistic observance of the unities, then regarded as the touchstone of dramatic excellence. Shakespeare's violation of these canons of excellence offended the experts. Granville therefore undertook the emendation of "The Merchant of Venice." Re-christened "The Jew of Venice," it brought the house down at a benefit performance for Dryden. Such diversions as these were to Lansdowne more indeed than the Jacobite politics which he professed to make his chief business, and which, as a fact, he never long neglected. The suspicion of his Stuart sympathies had deprived him of his public appointments on the accession of George I. He now seldom missed a sitting of the Upper House, and was one of the strongest speakers against the Bills for attainting Bolingbroke and Ormond. Granville's full style was Baron Lansdowne of Bideford. There must have been moments when his partisanship seemed likely to conduct him to the scaffold. According to Bolingbroke, he was the chief organiser of the Stuart rising in the West of England. He did unquestionably show the same uncalculating devotion to the Young Pretender that he had lavished, when a younger man, on his father.

For these escapades three years' imprisonment in the Tower did not seem a severe punishment. He solaced his captivity by poetical composition. Titled bards have often been praised for worse verses than Lansdowne's.

Among the Lords of the Bedchamber to George I. was a nobleman who, in his appearance and habits, sometimes startled observers from his resemblance to Charles II. The same easy, indolent, self-indulgent good nature, perfect breeding and constitutional dislike of method and punctuality, the same well-moulded features and figure, and the same complexion, dark as midnight, belonged to George's courtier and his Stuart predecessor. Such was Charles Lennox, first Duke of Richmond, son of Charles II. by the lady who became Duchess of Portsmouth. The Jacobites used to say Richmond's presence was the one redeeming feature in a usurper's court. Not till 1871 did the Earl Cowper of the Victorian Age establish before the House of Lords his descent from that branch of the Butlers which had rather circuitously come into the Cowper title; afterwards an Act of Parliament restored the peerage by reversing the attainder. The first Lord Cowper must be added to those mentioned above, in various places, as charged with negotiating the Union Act between England and Scotland. The grand-uncle of William Cowper, the poet, the Lord Cowper of the golden voice, never rose without laying his House under spell. It was not much easier then than it has been since to secure a quorum at the exact hour for meeting, or to keep it beyond the usual time of adjourning. The report that Cowper was on his

legs sufficed to send the peers from all parts trooping into the Chamber, and to keep them in their places until he had finished his speech. "Without a rival in his oratory," was Chesterfield's verdict. His exceptional qualities are shown by his having been one of the few great lawyers who reached the Woolsack direct without passing through the Solicitorship and Attorneyship-General. His unique success lay in the easy mastery, alike of apt argument and of his audience, which experience at the bar had combined with native insight to produce. One incident in Cowper's speaking is of some interest. He was the first to bring the Trojan horse from his stall in the second *Æneid* into the debates at Westminster. The occasion was the Bill for the Secrecy Committee inquiring into the South Sea Company. Sunderland commended the measure. Cowper said that, like the fateful quadruped described by Vergil, the Bill was ushered in and received with great pomp and acclamations of joy, but was contrived for treachery and destruction. The horse does not seem to have figured in the debates of either House again until the Reform discussions of 1867-8, when Robert Lowe, having happily retorted the sequel of the passage on Mr. Gladstone's original quotation, turned, as he said, the noble animal out to grass for ever. The result of a plebiscite, taken during the first quarter of the eighteenth century, might have been to call the Pretender to the throne. Amid the course of party recriminations, the interchange of personal inuendoes, and the welter of intrigue, hardly any well-known name on either side was unassailed by suspicion.

Cowper enjoyed no immunity. A man named Layer formulated the hackneyed charge of dealings with the Pretender. Character forms the best shield against calumny. Cowper might have treated the accusation with contempt instead of, as he did, with elaborate indignation and demand for an inquiry. In 1722 the Pretender, as James III., King of England, Scotland, and Ireland, had published a letter "to all his loving subjects," with the signature James Rex. Parliament ordered it to be burnt, as a false, insolent, and traitorous libel, by the common hangman. This was done at the Royal Exchange, in the presence of the Lord Mayor and Sheriffs. The House of Commons now sent up to the Lords a Bill which prompted Cowper's last speech in the Lords. The Commons suggested that, to defray the expenses caused by the late rebellions and disorders, a tax of £100,000 should be levied upon persons in any way connected with the Roman Catholic religion. The authors of this proposal sophistically argued that, so far from resenting it as a novel punishment, the Papists should rather see in it a measure of relief. For did not a statute, passed in the reign of Elizabeth, though never enforced, legalise the mulcting of Romanists in a far heavier sum? Ratified by a majority in the Commons of 16 votes (188 to 172), the resolution was sent to the Upper House. There a resolute opposition to it was concerted and led by the great lawyer, who, in spite of his years, had not outlived the description, "the silver-tongued Cowper," as much as when he first presided over the sittings of the Lords in the reign of Anne. As an intellectual performance the effort

was a triumph of exhaustive and subtle reasoning. As a political appeal it produced an immediate result. It did not indeed cause the measure to be thrown out. The majority voting for it was only two less than in the Commons (69 to 55). But a practice, since fallen into disuse, then obtained ; by this the Peers disagreeing with the conclusion of the majority formally registered their dissent. Twenty lords now followed Cowper in adopting that course. In an earlier chapter something like this practice has been seen to exist in the earliest days of the peerage. The antiquity of the protest is therefore an undoubted fact ; it is, indeed, a logical corollary of freedom of speech.<sup>1</sup> Formal protests were certainly made in the reign of Edward III. If little mention has been made of them, that is to be explained by the circumstance of the Lords' journals only beginning under Edward VI., or, at the earliest, under Henry VIII. The legislation now referred to was popularly called the Anti-Papist Bill. Cowper's opposition to it was explained by the assertion of his being a Papist at heart. With Laver, already mentioned, two Irishmen, Plunkett and Neynoe, a priest, combined to prove Cowper's membership of a club of disaffected persons. No one believed the charge. The ministers declared Cowper's indignation gratuitous, because every one was assured of his innocence. The inquiry he demanded was not formally denied ; but Cowper himself eventually acquiesced in the ministerial view of its being absolutely unnecessary.

<sup>1</sup> For the growth of this practice, see Pike's "Constitutional History of the House of Lords" (Macmillan, 1894).

## CHAPTER XIII

### FROM CHESTERFIELD TO CHATHAM

Lord Chesterfield—Richard Cromwell's visit incognito to the House of Lords—Chesterfield, a successful Irish Viceroy—Bishop Berkeley—The Playhouse Bill and the Calendar Reform—The Duke of Queensbury—Lord Hardwicke—Carteret, Earl Granville—Pulteney, Earl of Bath—Alexander Wedderburn, Lord Chancellor Loughborough—His defence of Clive—The Duke of Newcastle—William Pitt, Earl of Chatham.

THE Cowper family, like so many other noble houses, grew out of the City, and had for its founder a sixteenth-century London alderman. Lord Chesterfield had, like Carteret and Pulteney, broken with Walpole and official Whiggism. Himself one of the very greatest orators in the Peers, he judged others by a high standard. He admitted an oratorical superior in Lord Chancellor Cowper. The mere name of Chesterfield suggests associations of grace, elegance, symmetry, and polish. With these, nothing can be in less attractive contrast than the personal reality of the man as depicted by his contemporaries of pen and brush. The trunk of a giant on the legs of a dwarf, limbs so ill-shapen as narrowly to escape deformity, a countenance only redeemable from unsightliness by

the play of an intellectual expression over the unlovely features. Such in the flesh seems to have been the man who was the cynosure of his own generation and in whom posterity has agreed to see the glass of fashion and the mould of form for all time. The fastidiousness of his taste, the systematic immorality of his ideas, the keenness of his wit, the un pitying hardness of his worldly wisdom, proclaim him a true representative of an age which saw in honesty merely a mode of hypocrisy and which despised virtue as a mixture of feebleness and folly. In a modern club or drawing-room he would not have been tolerated for half an hour. Without the excuse of being in his cups he babbled indifferently to men or women concerning his feminine conquests. He really seems to have persuaded himself that the least impressionable of the fair sex could not hold out against the charm of his manner, if not the fascination of his physiognomy, when he cared to exert it. Wilkes was notoriously the ugliest man of his time, but "give me," he used to say, "half an hour's start, and I will back myself with Venus herself against the prettiest fellow in England." The boast of Wilkes over his cups formed the principle of Chesterfield's intercourse with women of all degrees. Such was the surface of the man. The airs of the fribble and the affectations of the profligate were the outer covering of the real philosopher of the world, of the consummately able, the variously experienced, and the exceptionally successful statesman. No single peer did so much towards the creation of a House of Lords style, different from that of the House of Commons, and

enduring to the present day. No being of the eighteenth century, still less any member of the House of Lords, had seen so much, and during so long a space, of life in courts, in capitals, in cabinets, and senates. As a boy, in the house of his grandmother, Lady Halifax, he had talked with the men who made the Revolution—Danby, Montagu, and Somers; he was present when Richard Cromwell, coming from his country retirement to spend a day in London, visited incognito the House of Lords. He actually overheard the dialogue between a stranger and Richard: "Pray, sir, have you been here lately?" "Not (pointing towards the throne) since I sat in that chair." A second time he saw the Protector's son giving evidence in a court of law before Chief Justice Holt. He was born in the reign of George I. George III. had come to the throne when the town was talking of the witty exit from existence made by the brilliant earl. George Selwyn's delight was in the mysteries of the charnel house. "If," said the dying Chesterfield, "Mr. Selwyn calls again, show him up; should I be alive, I shall be glad to see him; if I am dead, he will be interested in seeing me." But before that second visit was paid, if paid at all, absolutely the last words had been spoken. "Give Dr. Dayrolles a chair," only to excite the physician's comment, "Superb! that man's breeding does not desert him in death." Chesterfield had thus witnessed, if he had not actually assisted at, each stage, during his century, in the maturing of government by Parliament as a substitute for government by king. Dying in 1773, he lived long enough to see the

triumph of George III. over the great Whig families. He looked on at the founding of the new and progressive Toryism which, even in the life of the two Pitts, was to replace the old and which was to develop into the progressive Conservatism of Canning, of Peel, and of Disraeli. The convulsion that shook France to her basis was the best part of a generation distant, after Chesterfield passed away. But he was one of the few who foresaw the tempest about to burst, when the cloud on the horizon was no bigger than a man's hand. Chesterfield's prophecy of the Revolution was made in the same period as that of Arthur Young, when, like Young, he was fresh from a tour of observation through the devoted land.<sup>1</sup> The horoscope he drew from its beginnings of the future of the thirteen American colonies' secession was more correct than that of most politicians. He fixed, almost to a year, the date at which the national independence of Poland would cease to exist. He did not pretend to penetrate the last thirty years of the nineteenth century. Nevertheless, he foresaw the fall of the Pope's temporal power. In addition to this, having been singularly successful as a diplomatist, he showed himself equally good as an administrator while Viceroy of Ireland. The publication of further letters may perhaps compel a change in the traditional estimate of Chesterfield's personal character. The latest batch of correspondence with his godson shows him in a more amiable light than his contemporaries saw him. The late Lord Carnarvon, who had made Chesterfield

<sup>1</sup> Other predictions of the French Revolution were made by Arthur Young and the diarist Sir Nathaniel Wraxall.

the study of his life, discovered in the correspondence just mentioned signs of a disposition to believe in the possibility of human disinterestedness and virtue.

Once installed at Dublin Castle in 1745, Chesterfield showed himself a great man. He combined energy with sympathy. He no sooner mastered the malady to be dealt with, than he devised and proposed the cure. The native Celtic population suffered a legalised persecution from the severity of penal laws, originally framed in the hope of crushing out the religion or the race. The English administration, whose headquarters were at Dublin Castle, was scandalously corrupt. To procure the repeal of those evil statutes was beyond Chesterfield's power. But, taking the entire government into his hands, he refused to set the penal laws in operation. He simply ignored them. The result was magical. There had been no visible change, legislative or administrative. Yet, in a moment, the Catholic cottager in Connaught enjoyed the same opportunity of worshipping his Maker, according to the traditions of his faith, as belonged to the Presbyterian peasantry of Ulster. The informer and the spy found their occupation gone. The manhood of the country no longer saw its natural goal in the prison, the hulks, the gibbet, or in transportation to penal settlements beyond seas. Within the castle walls was suppressed, or sternly discouraged, the jobbery which had been for centuries a tradition of Irish government. The policy of the fourteenth Lord Derby, when, as Mr. Stanley, Irish Secretary, was anticipated. Under Chesterfield had

sprung up schools throughout the country. He dared to show his trust in the people by reducing the military garrison. The Irish people requited his confidence by maintaining a tranquillity such as had not been known for centuries. With peace came prosperity. From the Giant's Causeway to Cape Clear, arts and manufactures were encouraged as systematically and successfully as crime and outrage were repressed and chastised. By the official class Chesterfield was of course scoffed at and hated. But, for the first time in history, the vice-gerent of the British sovereign was beloved and even adored by the multitude of his native subjects. In little ways, as well as in great, Chesterfield showed his understanding of the race with which he had to do. Protestant intermeddlers, of the old vindictively religious type, exasperated by the personal losses to themselves involved in Chesterfield's retrenchments, came to him with tales of Papal conspiracy on the eve of breaking out. The Viceroy was told that his own coachman was in the habit of going to Mass. "In that case," drawled Chesterfield, "I will see the fellow does not drive me there." "The Papists are rising in Connaught," was the message brought to him in bed one morning. "Yes," he meditatively said, striking on his repeater, "time enough for them to rise, it's just nine o'clock." The best tribute to Chesterfield's statesmanship was reserved for the nineteenth century; it came from one of the fiercest Irish rebels who ever hated and plotted against the English connection. This witness was John Mitchel, one of the 1848 conspirators, who described him as the wisest member

of the official class ever sent to Dublin from London.<sup>1</sup> George II.'s jealousy of Chesterfield's Irish popularity soon caused his recall. The multitudes who escorted him to the ship were wild with regretful enthusiasm. The last words that rung in his ears, as his vessel disappeared, were: "God bless you! return to us soon."

A few years before Chesterfield took up the Irish Viceroyship, an Irish intellect, more noble than Swift's, and not less startling in some displays of its activities, was preparing to burst upon the Upper House. The future Bishop Berkeley had first presented himself before the world of London fashion and politics when, from the author's box, he witnessed the performance at the theatre of Addison's "Cato." During the years that, as Bishop of Cloyne, he might have had a seat in the British Senate, Berkeley exercised an intellectual influence, of an appreciably stimulating and quickening kind, upon the assembly. Most of his time was passed among the wits of the day. In the House he would have eschewed merely political debates. The Playhouse Bill (1737), for increasing the severity of the theatrical licence system, and the reform of the calendar (1751) both gave Berkeley congenial opportunities for intervening in debate. The Playhouse Bill was opposed by Chesterfield, who carried Berkeley with him. The Calendar Reform was introduced by Chesterfield, after he had been coached by the greatest mathematician who sat in the eighteenth-century senate, Lord Macclesfield.

<sup>1</sup> "A History of the Four Georges," by Justin McCarthy, vol. ii. p. 333.

Macclesfield indeed had really prepared the measure ; Chesterfield made no secret as to his want of interest in it. It was, he said, composed of law jargon and astronomical calculations. It was, however, necessary, he adds, to make the lords think that I knew something of the matter, and that they knew something of it themselves. Chesterfield therefore delivered an interesting little oratorical essay, whose value was probably due, in equal parts, to Macclesfield and Berkeley. Among the latest letters Chesterfield received must have been that containing Samuel Johnson's famous refusal of the tardily proffered patronage. Not much less than half a century earlier, the house of a more famous Mæcenas even than Chesterfield had sheltered the poet Gay on his deathbed (Dec., 1732). A statelier poet than Gay, and one more intimately acquainted with fine company, Alexander Pope was the most illustrious of the many writers of his day that revolved round the great noble, whose name, after the fashion of the time, he habitually mis-spells as "Queensbury." In 1786 the Scotch Duke of Queensberry received the British barony of Douglas. Known originally as Lord March, and, as "Old Q.," a stock character with Thackeray and many other writers, he was as conspicuous in the Georgian court and society as remains to this day the palace that he made for himself at the corner of Piccadilly. From its windows he watched what Johnson calls "the full tide of existence" sweep down Piccadilly, long after the power of actively mingling with it had deserted him. One by one all his physical faculties departed. He could see but dimly with one eye ; only one ear, and

that imperfectly, performed its functions. He had not a tooth in his head. This general and progressive loss of physical power found its compensation in an extraordinary intellectual survival. At more than fourscore his memory had the freshness of youth and the accuracy of trained manhood. His conversation was sprightly, and even salacious to the last. His observation as keen and correct ; his judgment as sound as these faculties had ever been. During the long illness that ended in his death, his sick room was the resort of men about town who wished to be advised or amused, as well as of ladies of the pavement who, when excluded from the presence of their venerable lover, contrived to send him up epistolary tokens of their affection. The deathbed of the hoary sensualist was littered with the *billets doux* of courtesans who plied for hire in Piccadilly, and ladies of quality who made no charge for admission to their Mayfair boudoirs. Such were the conditions under which he lay a-dying in the December of 1810. Too feeble to read or even to open the missives which he kissed as they poured in, he kept them on the counterpane. At the moment of his dissolution they literally covered his emaciated form. So flowers and crucifixes are sometimes the deathbed companions of those who die in the odour of mere sanctity, not of ducal libertinism. The keenest common sense ever embodied in a British peer remained unimpaired to the last. The manners were still noble and polished, the presence handsome or dignified, even when all the vital forces were slowly ebbing. These are the touches which men who knew him best thought

necessary to complete the picture of by far the wealthiest, the most debauched, and, in all worldly matters, the most sagacious duke of his day. Loose French comedies had for some time amused him, played by the first artists of the day in his private theatre. As exhaustion advanced a stage farther, the senses craved a stronger stimulus. In the drawing-room of his house, looking out on the Green Park, he had collected the three best looking of the venal Phrynes then to be found in London. Himself playing the part of Paris, he surveyed these equivalents of the Homeric goddesses, arrayed in the Homeric costume provided by nature, drawn up before him. He then, as the Teucrian shepherd had done before him, placed the prize of a gilded apple on the head of the successful competitress. Thus, in the comparatively virtuous days of the austere George III., the excesses of the Restoration were outdone by the nobleman in whom Pope and all the writers of the time saw the prince of patrons. Like his contemporary, the second Pitt, who died a bachelor because he could not marry Miss Auckland, Queensberry cherished a grand passion for one lady. This was the daughter of Henry Pelham the Prime Minister. The father not unnaturally discountenanced the marriage. The lady solaced her spinsterdom with faro, and, with the possible exception of Lady Elizabeth Luttrell, became the greatest gambler of her sex and time. Miss Pelham ruined herself at her favourite pastime and died dependent on the charity of her family.

The mention of Miss Pelham supplies a link connecting the peer as a man of pleasure with Miss Pelham's

uncle, the Duke of Newcastle. That peer personifies the patrician principle in the politics of his time ; he stands forth in history as the head of the great Whig families, from whose guidance George III. broke away. About Newcastle more will be said presently. Meanwhile one or two others must not be omitted. Lord Orford commanded a chronic majority in the Peers. By its agency he secured himself in the Commons, principally composed as that assembly was of pocket-borough members, the nominees and creatures of the territorial nobles, who to a man were Walpolian Whigs. Some of the most powerful personages in the Upper House had indeed been placed there by Walpole himself. Thus he had ennobled his chief law officer, Philip Yorke, as Lord Hardwicke. Yorke had, as his companion in promotion, another legal supporter of Walpole, Charles, now Lord Talbot. The ascent of Lord Chancellor Cowper alone presents a parallel to the rapidity of Hardwicke's ascent of all the grades of his profession to the Woolsack. Hardwicke, an able man, with an almost morbid dislike of pomp and show of any kind, would have liked to become Keeper of the Great Seal without ceasing to be a commoner. He felt, he said, degraded by the summons to the Upper House. Philip Yorke had been for years, in all legal matters, the trusted adviser of the Court and a social intimate of the palace. After his ennoblement, attending as usual the king's levée, he was announced by his new title. The king, not recognising his old legal adviser in the just-gazetted Lord Hardwicke, absently asked "if his lordship had been long in town." Missing the accustomed

legal robes, the sovereign dismissed the official keeper of his conscience without grasping the fact that Yorke and Hardwicke were one and the same person. Hardwicke's worst enemies could allege nothing against his character. But the port and claret at his dinners were said to be not of the best. He was therefore generally abused as a screw and received the nickname of "Judge Gripus." He founded a line, not only of wealthy, but of intellectually-gifted descendants, and established fresh claims on his sovereign's gratitude by the Marriage Act bearing his name and devised in order to prevent a repetition of such unequal matches as those between the Duke of Cumberland and Mrs. Horton, and of the king's other brother, the Duke of Gloucester, with Lord Waldegrave's widow. In the Chancellorship, Yorke had been preceded by Talbot, whose fame was chiefly confined to the Chancery bar, and who, from his knowledge of foreign politics, gained in several missions abroad, exercised a commanding influence on the debates of the Upper House. On the subject of international relations, however, all contemporary experts in the Upper House were mere smatterers in comparison with Carteret. This was the statesman who, in 1774, by inheritance from his mother, became Earl Granville, and who was also the grandfather of the first Marquis of Bath. Carteret united in himself the fame of orator, diplomatist statesman, and the varied accomplishments of a polished man of the world. He was the only peer of Cabinet rank who could talk to the first two Georges in their native German. A courtier by temperament and training, he fascinated his royal masters by an artistic

interest in everything that concerned the Hanover which they loved so well. Versed in all affairs of state, domestic or foreign, he had a genius for detail which, with his ready wit and graceful diction, made his official communications to the Court as interesting as a chapter of romance. On the other hand, principle did not seem to him part of the equipment essential to a minister of the Crown. Politics was a game which he played exclusively for his own hand. Earl Granville's whole life was a whirlpool of intrigue. Schemed against by others, he was ever ripe for faction against friend or foe. He was the moving spirit of every conceivable combination to upset Walpole first, the Pelhams afterwards, and so to prevent the Duke of Newcastle's premiership. The heaviest drinker, as well as the most versatile and agreeable peer of his time, he presided over the Government, to which its chief's intrigues and escapades gave the nickname of "the drunken Administration." But Carteret's enemies proved eventually too bitter and too powerful. A politician who fights only for himself, without thinking of his side, can only hope to stand so long as things go well. At the first reverse he has nothing on which to fall back, and generally sinks like Lucifer, never to rise again. So was it with Carteret. When the king could no longer deny the demand for his dismissal, over him there stepped into office a little group of noble nonentities, who merely prepared the way for the great dukes. The first Earl of Bath rose to fame as the earliest of the great Leaders of Opposition in the House of Commons. A like renown was in later times to be won by Benjamin

Disraeli, the only Earl of Beaconsfield. As Pulteney, Bath organised the resistance to Walpole, not only in Parliament, but in the press. After his ennoblement, between the years 1744 and 1753, he was begged more than once by George II. to form an administration. His efforts, if unsuccessful, were so zealous that his friends and enemies sarcastically said it was unsafe to walk the streets at night for fear of being pressed for a Cabinet counsellor. Carteret's daughter married Viscount Weymouth, whose son became first Marquis of Bath. Some confusion was therefore anticipated when a Baroness of Bath came into existence in the person of Miss Pulteney. Lord Radnor went the length of calling the second creation illegal. A future Lord Chancellor proved himself equal to the difficulty which had arisen and suggested a settlement. "There is," he said, "a sure way of preventing the confusion which haunts certain noble imaginations. The heir-apparent of the Marquis being a bachelor may marry the young and beautiful Baroness and thus Bath will be merged in Bath." The lawyer who threw out this proposal had first made his mark, when Alexander Wedderburn, at the Scotch bar. During this stage of his career he had abused one of his seniors. Called upon by the bench to apologise, as an alternative to being disbarred, he refused any retractation, but, taking off his gown, with a familiar quotation from Horace, "Virtute me involvo," said "I will never wear it again," went up to London, entered upon a successful practice, and ended as Lord Chancellor. In the Upper House, Wedderburn, transformed into Loughborough, repaid Lord North for his peerage with

a thick-and-thin support which made him many enemies. It was Wedderburn whose speech against the revolted American colonies drew from Fox the exclamation: "This is no war between two nations, separated by the Atlantic, but a struggle arising out of personal interests and ambitions." As for Wedderburn, Fox could discover no reason for his having become Lord Loughborough than his virulent vituperations of our fellow countrymen settled in America. Whatever his mistakes or excesses, Loughborough undoubtedly showed himself not less able as a lawyer at Westminster than he was successful as a courtier at St. James's. In 1767 the creator of our Indian Empire, Robert Lord Clive, finally left India, to be confronted on his return to England by legal persecution before select committees of Parliament, which cross-questioned him as an Old Bailey barrister badgers a criminal. Wedderburn's defence of his great client had placed him high among the forensic orators of the time. The literary style of his speeches and memoranda was good enough to cause some critics to identify him with Junius. The handwriting of the copy, from which Woodfall printed, was even declared to be Mrs. Wedderburn's. These assertions seem to have come chiefly from natives of Scotland; they may therefore have been the vain inventions of a too partial patriotism. Among the various arts, of which Loughborough, at all periods of his career, was master, must be reckoned that of making enemies.

"A pert, prim prater of the northern race,  
Guilt in his heart and famine in his face."

So, with much more to the same effect, the satirist

Churchill. As to his sinister physiognomy all his foes, and some who were not foes, seem to have been agreed. His manner confirmed the bad impression left by his face. He surrounded himself with an atmosphere of irrepressible distrust.

Shortly after Sir Robert Walpole, on his retirement (1742), had been translated to the Upper House as Lord Orford, he met his old adversary Pulteney, now disguised as Lord Bath. "Here," said Orford, "my lord, we are, each of us somebody a few weeks ago, and to-day the two most insignificant fellows in England." Between the submergence of Walpole in Orford and the extinction of the elder Pitt in Chatham, the Hereditary Chamber witnessed the rise and fall of a series of peers whose greatness was limited to their titles. Orford's immediate successor, Lord Wilmington, was scarcely less of a "transient and embarrassed phantom" than that holder of the same office, eighty-five years later, described by Disraeli's familiar phrase. Only one part of the description, however, applies to the minister who followed Wilmington, and of whom Wilmington had wittily said "that he always appeared to have lost half an hour in the morning and to be running after it all the rest of the day." But though the Duke of Newcastle might be the incarnation of perplexed fussiness in mind and manner, there was nothing transient about him. He came to stay. In France, at all epochs, ridicule has killed. In England, of the nineteenth or twentieth century, public men have found it an advertisement rather than an inconvenience. In English politics, when dominated by the great

families of one hundred and fifty years ago, neither laughter nor contempt produced any effect whatever upon the chief of the noble army of dukes, who personified the qualities of his order and hired votes in the House of Commons as his humbler fellow-creatures might have hired hackney coaches. Newcastle thus served as a foil to Chatham. It was the deep impression produced on the national mind by the contrast between the unselfish and lofty patriotism of the "great Commoner" and the self-centred trafficking of the duke that first raised Pitt to the height of power and greatness. George II. might laugh at Newcastle as unfit to be chamberlain at the pettiest of German courts. His tactless blundering in the conduct of every kind of business, private or public, the clumsy bungling of any subject touched by him in his parliamentary speeches and the ludicrous alternation of melodramatic hauteur with undignified familiarity towards his inferiors, covered him with more complete ridicule than any other personage of his time. First stepping into office over the displaced Carteret, he disgusted the king by his puzzle-headed want of method. From the standing joke of the Upper House, he soon became the laughing-stock of the land, and made the fortune of professional lampooners with pen or pencil in the press. But at this period the Whig Peers were the masters alike of sovereign, of parliament, and of people. Consequently this ridiculous duke was kept in office for thirty years as Secretary of State, for ten years as Prime Minister. Nothing, it seemed, could weaken his hold of the entire administrative and national system. Neither

Walpole, whose politics he professed and whose methods he perpetuated, nor Chatham, whom he hated or dreaded, and who requited both hate and fear with lofty scorn, could dispense with Newcastle's ægis. Morally he was exempt from vice. His besetting vanity and weak self-consciousness were the sinister endowments of nature, confirmed and aggravated by the social education which then taught from infancy the scions of great families to believe that they were not as other men.

Chronic haughtiness may be as fit a subject for satire as restless and ungraceful vanity. The besetting arrogance of Chatham would, in a smaller man, have been insolence. But at no period of his career did any one dare laugh at Pitt's deliberately vaunted superiority to his compeers. The explanation of the panoply of pride in which he seemed to equip himself is in part simple. So, too, is the reason why Chatham's openly proclaimed estimation of his own merits and undisguised contempt for most of those about him was not resented by the nation to which he appealed. He did not belong to the political Brahmins of his day. He was unconnected with any noble house, except by marriage with the Temples. On entering public life, he was looked upon as an interloper, a parvenu, by the aristocracy and the Crown. He fought the nobles with their own weapons, repaying the pride of birth by the pride of intellect, and by identifying himself with the masses, whose idol he soon became. Those worshippers clung to Pitt on becoming Lord Chatham more conspicuously than to any other noble since Simon de Montfort, Earl of

Leicester. By retiring, in Chesterfield's phrase, to that "hospital for incurables," the Upper House, Pitt diminished, if he did not quite lose, his popularity. In the national eye he forfeited nothing of his greatness. Part of the secret of Chatham's national place was his personal magnetism. His speeches did not charm his hearers, but cowed his opponents. He wanted ships (1757). The Admiralty replied there were no ships to be had. "If," rejoined Chatham, "they are not forthcoming, I shall impeach the First Lord, Anson, in Parliament." Such instances might be multiplied indefinitely. It must suffice here to describe Chatham as the first peer who associated titular nobility with the idea of overwhelming moral force. And, as to Chatham's supercilious bearing towards his equals, it must be remembered that the country, with which he had made himself one, saw in it the rejoinder made in its own interests and by its own representative to the pomp of patrician incapacity.

## CHAPTER XIV

### FROM BUTE TO BYRON

Thomas Howard, Earl of Effingham—Charles Wyndham, Earl of Egremont—The Duke of Devonshire—Bute's Lansdowne House—Bute's introduction to Frederick, Prince of Wales—His consequent rise and fall—Henry Fox, Lord Holland—Two noble blackguards—Sir Francis Dashwood, Baron le Despencer, and John George Montagu, Earl of Sandwich—The Duke of Grafton—His encounter with Lord Chancellor Thurlow—The Marquis of Rockingham—Lord Shelburne, Marquis of Lansdowne—The Earl of Liverpool.

THE peer who at George III.'s coronation played the part of the skeleton at the feast was Thomas Howard, third Earl of Effingham. This nobleman's chief title to fame lay in a perfect genius for *malapropos* observations. The ceremony had been marked by a series of inauspicious blunders and by the apparition of a mysterious stranger, in whom some saw the Old Pretender himself. The new sovereign's complaint to the Earl Marshal, as Effingham then was, elicited the apologetic assurance that when the next king came to be crowned everything would be found in proper order. Effingham was the well-known laughing stock of London crowds. An absurd

rumour represented him as taking part in the Gordon No-Popery Riots, as having been killed in them and afterwards thrown into the Thames by friends who were only too delighted to see him no more. The laced ruffles of the recovered corpse at once showed the mistake of identity; for Effingham, proud of his race, discarded all personal adornments and generally dressed like a tinker. Effingham certainly disappeared from the public eye during the Gordon period. That was because he thought he could do the administration more harm when in obscurity than when in evidence. He had already resigned his commission in the army, rather than bear arms against the American rebels. But he was as much alive all this time as ever, and more than usually active. On reappearing in the House soon after, he explained he had been staying quietly at his Yorkshire residence, Grange Hall. Effingham did not limit his sympathy with the insurgents across the Atlantic to taking no part in the war; he built a private house where he feasted his friends, calling it Boston Castle, because no tea was allowed within its walls. This eccentric but amazingly clever peer served as Treasurer of the Household in Rockingham's second government. When he carried the wand of office and the Earl Marshal's baton, men pointed to him as the devil on two sticks. *Apropos* of the antiquity of his garments, to a Tory friend, indicating Effingham's old coat, Burke replied, "Yes, it is that in which he was killed in the Gordon Riots." He lived till 1791, dying in Jamaica as Governor.

Among the Tory peers who grouped themselves

round Bute, a prominent figure was the son of the great Jacobite, Bolingbroke's friend. Charles Wyndham, known in 1761 as Earl of Egremont, had taken the Privy Seal vacated by Temple, who had resigned with Chatham. Egremont was the one leader of ancient lineage, of commanding position and of immense wealth, to whom George could look for a lieutenant in his struggle against the Whig oligarchy. It was Egremont whose variously exercised influence sufficed in the May of 1762 to confirm Newcastle in his intention to resign. Egremont, indeed, pitted himself against the Whig magnates; one after another he challenged them to single combat, defeating or disabling each. His auxiliaries were the titled wire-pullers of the Cocoa Tree Club, then the headquarters of the Jacobite reactionaries; with these men, however reluctantly, the Hanoverian Tories were constrained to keep on good terms. Co-operating closely with each other, Bute and Egremont had no sooner got rid of Newcastle, than they put the Duke of Devonshire out of the way by depriving him of all his appointments as Newcastle's successor in the leadership of the Whig peers. This fifth Duke of Devonshire is supposed to have been the original of the peer who, in Disraeli's novel, said of himself, "I am a dull man and always sleep at dinner." His drowsiness was at least equal to that of North. He concentrated in his tall and stately person the somnolence of past, present, and future generations of his sleep-loving house. Constitutionally incapable of, or conventionally too grand for, any visible emotion, he lived and moved in a state of chronic lethargy. The

only thing that could keep him awake or rouse his sluggish temper was the gambling table ; he therefore played faro nightly at Brooks's for stakes which, if anything could have done so, might have staggered even Charles Fox. With the drowsiness of the Cavendishes he combined their common sense. The fifth Duke of Devonshire's indifference to most of what passed around him did not imply insensibility to the charms of beauty. In waking intervals at his club-house dinner, the duke found himself appealed to as an authority on Horatian quotations or Roman history. He was an equally good connoisseur of feminine charms, as well as their fortunate wooer. He married in succession the two fairest women of his time. His first wife was the incomparable Georgiana, whose loveliness still lives on the familiar canvases of artists ; the second duchess was a daughter of Lord Bristol, who had taken for her first husband a Mr. Foster. During the term of courtship, she had proved her lover to possess more energy and perseverance than was generally suspected. The duke had long been a declared admirer ; the lady was coy to the last. Some years seem to have passed before she finally surrendered to her magnificent suitor. The mansion originally inhabited by the duchess who carried Charles Fox, against Crown and Court, for Westminster, continued, under her successor, to be the social headquarters of patrician Whiggism. Another of the duke's Piccadilly palaces formed a scarcely less important outwork of the Whig peerage. A little further to the east stood what is now known as Burlington House ; it

had been built on the site of Arlington House. During its occupancy by Devonshire's brother-in-law, the Duke of Portland, its political authority scarcely yielded to Devonshire House itself.

But the most memorable among the private mansions of the period inhabited by any peer, lay, a little to the north, in Berkeley Square. This was the house which took its present name from the family to which in 1768 Bute sold the place. The present Lansdowne House, though chiefly built by its first owner, received the addition of its most conspicuous characteristics—the picture and statue galleries—from the second Lord Shelburne, who became first Marquis of Lansdowne. In Bute's day the place served the purpose of a royal music hall. Beneath this roof, to the accompaniment of melodious sounds, George III. and his favourite discussed the stroke of policy that was to wrest from the Crown its trans-Atlantic empire.<sup>1</sup> The first author and designer of this well-known building was indebted to a pure accident for his introduction to his royal patrons. In 1747 Frederick, Prince of Wales, the father of George III., was living at Cliveden. The future George III., then a boy of nine, may have watched with his father a certain cricket match then going forward in the grounds of the house.

<sup>1</sup> The interior of the existing Lansdowne House is the creation of a Scotch artist, Gavin Hamilton, a native of Lanark. Meeting him at Rome, Lord Lansdowne, at a salary of £1,500 a year, commissioned him to obtain such art treasures as subterranean research could yield, and generally to beautify the Mayfair Palace with the abundant treasures found beneath the ground in the gardens of Hadrian and Horace. (Catalogue of ancient marbles at Lansdowne House, 1889, *Quarterly Review*, No. 376, p. 513.)

Presently the rain interrupted the play. The heir-apparent, a man of pleasure, who eventually died in the arms of his dancing-master, Desnoyers, at Leicester House, sighed for a game of whist to relieve the *ennui* of a wet afternoon. One of the gentlemen-in-waiting had observed among the visitors an unknown nobleman seated by the side of the family doctor in his gig. Why should he not be invited to make up the rubber? Thus, according to the account followed by the latest historian of the Georges, originated the introduction to the palace of "the evil genius of George III."<sup>1</sup> For the stranger who hastened to obey the royal summons was Lord Bute, then under forty years of age, of a tall, well-proportioned figure, of the most charming manners, and of the most easy and varied flow of delightful conversation. According to another account,<sup>2</sup> the eventful first meeting between royalty and the Scotch Earl took place at Egham races (1747). After some years of retrenchment on his Hebridean property, Bute had taken a house in the Thames valley. The court doctor had driven him to the racecourse. The scene of the whist party was the royal pavilion. Meanwhile Bute had missed his friend the doctor in the crowd. The Prince of Wales insisted on the agreeable and accomplished earl accompanying himself and his son back to Clieveden. As a result of some of the circumstances now reviewed, the visitor to Clieveden gained his first appointment as Lord of the Bedchamber. His progress thence and his quickly following fall have their

<sup>1</sup> Justin McCarthy's "History of the Four Georges," iii. 8.

<sup>2</sup> Wraxall's "Memoirs," i. 319.

place in general history. The Prince and Princess of Wales took care that their son should have no confidant or companion but the Scotch favourite. After Frederick's death in 1751 Bute stood to the future king *in loco patris*. It was while in Bute's company that the young prince heard of George II.'s sudden death. Pitt, as the leading spirit of the Newcastle administration, when the first council was about to meet, placed in the young king's hand some suggestions for the opening address expected by the councillors from the new ruler. The reply was, "I have already considered the matter and caused the suitable words to be prepared." Bute's sentences had been supplemented by some misspelt syllables in the royal handwriting. As Wilkes was pleasantly to point out, the new sovereign gloried in the name of Britain (meaning Briton).<sup>1</sup> Bute soon became in social request elsewhere than at the palace. The Duchess of Queensberry was fond of entertaining the heir-apparent and his wife at private theatricals. Bute proved himself an excellent actor; he was among the best-looking men of his day; his legs especially were the theme of general admiration; he used, it was said, to devote hours daily to admiring them in the looking-glass and studying how to show them off to fresh advantage. On the amateur stage he distinguished himself particularly in the part of Lothario, and in that of the usurper in "Hamlet," who pours poison into the ear of the good king his brother.

<sup>1</sup> This, the traditional account, is traversed by a writer in the *Quarterly Review*, xiii., where Pitt alone is declared to have prepared the speech.

Intellectually, his cultivation was above the general standard of his age. To a conventional interest in arts and letters he added a genuine and scientific taste for botany. Looking the part of patron to perfection, he played it often with liberality, if not always with discrimination. Thus he rewarded John Home for his tragedy of "Douglas" by a handsome pension; his munificence enabled James Macpherson to give to the world his Ossianic poems, and he encouraged Arthur Murphy in translating Tacitus and in writing plays. There was an absurd story of Bute receiving bribes from France for negotiating the peace which caused Pitt's resignation. Bute, it was said, wanted money to finish his house in Mayfair. But it has been already shown that this house was sold some time before its completion. The Junius letter (September 17, 1769) to the Duke of Bedford contains the chief confirmation in writing of the charge that George's minister took pay from Paris for promoting the inglorious treaty. George, indeed, had reluctantly consented to the admittance of any of the Bloomsbury gang into office. When he consented, it was, he said, for "the rooting out of the present method of parties banding together." When, therefore, a Whig magnate like the Duke of Bedford was ready to accept the Privy Seal under the Tory favourite, the king could not but acquiesce. From Bolingbroke onwards, the Tory peers posed as the champions of electoral and parliamentary purity. Never, as a fact, were sums so immense spent in every sort of corruption as by the Tory lords whom the king used to scourge the Whigs and to pulverise the supremacy of the great political houses. Hence

the denunciations of venality levelled by Junius in the letter just mentioned against both of the great connections alike. Among Bute's redeeming acts was his pension to Samuel Johnson, who had told him his blood was "full of prerogative," and called him a theoretical statesman, a book minister, ignorantly believing that the country could be governed by the influence of the Crown alone. Perfectly content to be regarded in the Upper House as the royal agent for the administration of affairs, Bute in his speeches aimed at none of the influence coming from eloquence, epigram, or wit. The matter of his speeches was always poor. His slow and pompous delivery, especially in the debate on the Cider Tax, won him the nickname of the minute gun.

Bute's retirement from office was marked by some notable promotions to the Upper House. Theodore Hook's recall from an appointment in the Mauritius, because he could not keep his accounts straight, was represented by the wit as an act of kindness on the part of the Government which insisted on invaliding home a man who had "something wrong with the chest." That, indeed, was the inveterate and epidemic malady among eighteenth-century office-holders. In 1757 Henry Fox had gratified his instinct for greed, and had compromised his dignity by accepting the Paymastership under Newcastle. His conduct in that office had exposed him to more than suspicion, and had been the occasion of a tempestuous scene between Burke and himself in the House of Commons. He now left that assembly for ever and, as the first Lord Holland, began that career of social enjoyment and

patronage of which the Kensington mansion bearing his name forms the monument.

"But hark the sound of battle from afar,  
Between the Jews and Maccaronis war;  
The Jews prevail and, thundering from the stocks,  
They seize, they bind, they circumcise Charles Fox."

Lord Holland's third son used to meet the Hebrew moneylenders in a room at Almack's Club, called in consequence the Jerusalem Chamber. On one occasion his father paid these persons a trifle under £100,000, with which they had supplied his son to lose in a single night's play at Brooks's. The first Lord Holland, therefore, had some reason for his prejudice against the Israelites of London. These were then in a fair way of securing the social recognition which, in the twentieth century, has developed into social ascendancy. The first Lord Holland would not hear of the Jew in society; he claims credit for keeping him out. In one passage he draws a ludicrous picture of "the Jew Rothschild cooling his heels in my hall, awaiting the honour of an interview which I refused to grant." The Jews indeed made their way into Holland House, very soon after, if not actually in the first lord's time; Holland himself was content to be remembered as the man who had kept the Hebrew out of the drawing-room rather than as one of the shrewdest players of the lordly game of eighteenth-century politics. That the assembly where Bute was leader might truly reflect all the motley elements of the time, it now also received the most notorious representative of British blackguardism whom

political life could then boast. Sir Francis Dashwood was raised to the peerage as Baron Le Despencer. Uniting the spirit of a Jew pawnbroker with the tongue of a Thames bargee, he represented, in its most objectionable forms, whatever was repulsive in vice or dull in debauchery. He founded the orgies of the "Franciscan monks," called after his own name, at Medmenham. In his pre-ennobled state, Dashwood had been made Chancellor of the Exchequer by Bute in 1762, according to Wilkes, because he was quick in casting up tavern bills. His promotion to the premier barony of England and his original appointment to the Exchequer are not the only evidence of the fact that, even under the virtuous George III., the absence of reputation formed no bar to success in public life. John George Montagu, fourth Earl of Sandwich, lives in familiar discourse to-day from the harmlessly compendious method which he first devised of joining bread and meat for easily portable consumption. It was characteristic of the man that the desire of taking nourishment without leaving the play table suggested to him the preparation of food which bears his name. "The most abandoned man of his age," was the style by which Wilkes justly spoke of him to the electors of Aylesbury. Wilkes himself was an authority on the point; he had indeed in private already addressed to Sandwich perhaps the most withering retort ever provoked by insolence. The earl had expressed amused doubt whether the idol of the mob would perish of a loathsome malady or be hung. Quick as lightning came the terrible answer, "That depends whether I embrace your lordship's principles or your lordship's

mistress." This was the man whom, after he had foully and repeatedly disgraced himself, dragging his coronet and his order into the filthiest mire, George III.'s favourite minister, with the king's approval and without protest from the Chamber, restored to favour. No excesses undermined Sandwich's iron constitution or caused his tall, muscular figure prematurely to stoop. Nor, is it but just to say, did his habits of life detract from his skill and usefulness as a public servant. In the administration of Pelham he had shown his diplomatic skill, as one of the plenipotentiaries for the treaty of Aix-la-Chapelle (1748). As head of the navy he united unerring clearness of judgment with extraordinary quickness. "If," he said, "any man will draw up his case and put his name at the foot of the first page, I will give him an immediate reply. When he compels me to turn over the sheet he must wait my leisure." Physical science, after the enduring example of the second Charles, formed a favourite pastime with dissolute men of fashion in that period. Sandwich's one intellectual recreation was pedigree and bric-a-brac hunting. Courage of a kind he possessed. Only twice did his friends see him overwhelmed with terror—first when his invocation of the devil at a Medmenham orgie was answered by the appearance of the donkey which Wilkes had concealed in a box; secondly when his mistress, Miss Ray, fell down dead at the stroke of her lover, Hickman, who had murdered her in despair. A different specimen of Sandwich's caustic and characteristically coarse rejoinder is given by Wraxall in his *Memoirs*, in his letter to Eden,

afterwards Lord Auckland. These, perhaps, were the compensating qualities which won for Sandwich in the Upper House something scarcely distinguishable from admiring popularity. That sentiment nothing he said or did caused him to forfeit. With an atrocious but absolutely shameless violation of all confidence, Sandwich arraigned his old friend Wilkes before the Upper House because of the unpublished "Essay on Woman." The Peers gloated over the highly flavoured morsels with which Sandwich tickled their ears; they did not deprecate by word or gesture the offence against all laws of honour which each of Sandwich's quotations constituted. And posterity has long since decided that John Wilkes comes infinitely better out of the whole episode than either the king, Sandwich himself, or the Upper House, to which the king had appealed. Among the hereditary legislators the supporters of Wilkes were led by the brother-in-law of Chatham, who himself, in the Lower House, had joined Barré in defending Wilkes. Earl Temple, formerly in the conduct of the war against France, had supported the elder Pitt against Henry Fox, George Grenville, Lord Hardwicke, and the Duke of Bedford. He now intervened to prevent the Upper House from a series of discreditable and ridiculous mistakes in the matter of Wilkes. The king acknowledged Temple's services by removing him from the Lord Lieutenancy of his county, Bucks, and by buttonholing every peer he met to hurry on the ruin of Wilkes, which meant his canonisation as a popular martyr. In the House of Commons Wilkes practically failed. His notoriety was due, not so much to his intellectual

superiority to other demagogues that were the commonplaces of the period as to the banding together of the king and the peers to hunt him down. At the moment his fame rested almost exclusively on the foundation of his happy adaptation of some words in the "Beggar's Opera," then in everybody's mouth. *Apropos* of Sandwich's attack, he coolly remarked "that Jemmy Twitcher should turn upon me I confess surprises me." Sandwich never lost the nickname of Jemmy Twitcher to his dying day.

What Sandwich was among earls, Grafton may be described as having been among dukes. His private life was infamous; he wronged every individual of either sex whom he had an opportunity of injuring. His crowning and most dastardly cruelties were reserved for the actress whom he had deceived with promises of marriage, Nancy Parsons. It was in the blood of the Fitzroys. The progenitress of the race was the most heartless and abandoned of all the women who presented bastards to Charles II. The daughter of Henry Bennet, Earl of Arlington in the Cabal, married, as a girl of twelve, Charles II.'s son by his mistress, Barbara Palmer. This lady, among other positions, had occupied that of wife to Lord Castlemaine. It is a wise child that knows its own father; but some evidence seems to point to royal paternity in this case. Hence the vast tracts of crown land in different parts, granted to the Fitzroy couple. Among these possessions was Whittlebury Forest. Early in the reign of George III., timber was wanted for building ships. The Admiralty sent

a man to Whittlebury to fell trees, but forgot to give him a Treasury warrant. George III.'s premier interrupted the woodman at his work, refrained from attacking the department really responsible, and, representing himself as personally aggrieved, refused all satisfaction that did not include the dismissal, which meant the ruin, of the Admiralty's day labourer. At the time when Grafton insisted on the sacrifice of this poor peasant, his annual receipts of the public money, in pensions alone, amounted to between thirteen and fourteen thousand pounds. Over and above this there were his official salaries. As Prime Minister, Grafton had the opportunity of winning a statesman's fame by repairing, or at least avoiding, the mistakes of his predecessor, Bute, in regard to Wilkes. Like Sandwich, he had lived with Wilkes on terms of intimacy. That was enough to decide the statesman to gratify his sovereign by doing what was possible to annihilate the libeller. The fines and the outlawry were both persisted with. Wilkes, having been applauded for a hero, now received mob worship as a demigod. Grafton was a sportsman first and a prime minister afterwards. To him Wilkes was a fox or some other quarry whom the king's hounds were hunting down. It was his business to show them sport. This stage of the chase ended in the infliction by the premier and peers generally of a painful and shameful humiliation on the king. In the March of 1769 there was driven into the courtyard of St. James's Palace a hearse, offensively and scandalously decorated. There followed a mob led by a young man, his face covered with crape, holding in his hand an

axe. Rumour identified this impersonation of the executioner with the youthful Lord Mountmorris. Amid these atrocities the nerve of the king remained unshaken. The palace was surrounded by a mob howling for the blood of the royal family. George III., overhearing in his drawing-room the yells, imperturbably displayed his stereotyped tricks of manner, smilingly reiterating his favourite question, "What, what?" For all this he had directly to thank Grafton, whose noble colleagues in the administration could scarcely walk the streets without being insolently asked why the ruffians who had been guilty of violence and bloodshed, in the recent election at Brentford, were allowed to go free, while the hand of oppression placed the crown of martyrdom on the brow of Wilkes. Grafton's influence over the king resembled that formerly exercised by Bute, and is easily explained; he had no sooner first intrigued against, then openly revolted from Rockingham, than he received the appointment of Groom of the Stole to George III. while still Prince of Wales. He had fine manners, a noble appearance, and no settled principles such as could stand in the way of his service to the sovereign. If his ideas had been equal to his elocution he would have been an orator. His clear utterance and graceful action did not compensate for a patrician absence of tact and a ducal contempt for the sentiments or prejudices of his audience. This is how, in the debate on Sandwich's control of Greenwich Hospital, Grafton provoked annihilation by Thurlow. To the ducal taunts about lowly origin came the crushing rejoinder concerning the "accident

of an accident," too familiar for quotation here. The congratulations immediately showered upon Thurlow from all sides were creditable to the impartiality of the assembly and the quickness of its intellectual sympathies, as well as representative of popular feeling, expressed throughout the country next day.

Few personal contrasts in the Upper House of their period were more complete than that between Rockingham and Shelburne, the two chief competitors for the first place during a portion of Grafton's time and after George III. had crushed the Whig nobility, only, like Frankenstein, to find for the moment a new master still more odious in Grenville. To escape from him, the king sent for the re-organiser of Whiggism—Rockingham. No more typical member of the senate and of the aristocracy ever existed. Most of the characteristic results of aristocratic birth and breeding were combined in Rockingham. His station and his wealth conspired to strengthen in him a constitutional independence alike of censure and praise. Natural amiability prevented this indifference from stiffening into haughtiness. Signally free from the cynicism and profligacy of his period, he had from his earliest years displayed the representative virtues of his order. "Ride straight to hounds and never open your mouth," was the motto which, as was done by the second Lord Spencer afterwards, Rockingham had carried into practice. His first appearance on the political stage was made under circumstances of excitement, forming a dramatic contrast to the calm taciturnity generally habitual with him. Disgusted at North's supineness during

the Gordon Riots, Rockingham, though he had received no summons to it, burst into the room where a Privy Council was sitting. His hair was dishevelled, he was not in court dress. It was perhaps the one occasion in his life when political excitement carried him away. He had come, he said, to charge the king's ministers with criminal negligence in allowing the meeting in St. George's Fields that led up to all the outrages. The verbal refinements and subtle delicacies of distinction that Rockingham despised supplied Shelburne with congenial occasions for the display of his special talents. Hence the well-known lines in the *Rolliad* placed in Shelburne's lips :

"The noble lord says I approve his plan.  
My Lords, I never did ; I never can.  
Plain words, thank Heaven, are always understood ;  
I did not say I would ; I only said I could."

The consequence of the different varieties of the Whig faith held by Rockingham and Shelburne respectively was to identify Rockingham with the school of Walpole and Newcastle, while the Whiggism of Shelburne began with Chatham, as whose successor he brought the younger Pitt into office. The Marquisate of Lansdowne, however, came to Shelburne, not through any good offices of the younger Pitt ; it was due entirely to the influence of the Duke of Rutland, when Irish Viceroy.<sup>1</sup> After he had become Marquis of Lansdowne, Shelburne continued to attend the House of Lords, but held aloof from Cabinet

<sup>1</sup> This is circumstantially shown to have been the case in *The Edinburgh Review*, vol. xxv. p. 212.

office, and was chiefly conspicuous as the patron and representative of letters and art on State occasions, as well as the host of all that was intellectually distinguished on its visits to England. "The French Revolution is the one event in modern history," used to be a favourite remark of Benjamin Disraeli. Robert Banks Jenkinson, the second Lord Liverpool, familiar to all readers of "Coningsby" as the "Arch-mediocrity," differed from his father, who had been Bute's private secretary, in rejecting the more enlightened ideas favoured by the first earl. The French convulsion, with which the eighteenth century had closed, ever sat on Liverpool's brain. His mind's eye saw all events or possibilities, past, present, or future, through the lurid medium of the revolutionary atmosphere. To the redeeming virtue of mediocrity, during the fifteen years of his office from 1812 to 1827, Liverpool owed the high respect he enjoyed in the country as well as the exemption from intrigue and attack which he enjoyed in politics. The younger Pitt had called his maiden speech in the Lower House the ablest which had ever been heard from a new member. In the Lords, his unfailing fairness and mastery of routine pointed him out as a safe guide. An interesting incident in the Upper House, during the early years of his premiership, was the first speech of Lord Byron, the poet, who relates how, a few days before seeing the wild beasts feed at Exeter Change, he had observed a hippopotamus with a striking likeness to Lord Liverpool. The subject of Byron's oratorical début was the Nottingham frame-breakers. The tone, half apologetic and half

defiant, suggests the spirit animating the preface to the "Hours of Idleness." Two or three other efforts under Liverpool's premiership caused the poet to doubt his ever becoming an orator; he was already sick of "parliamentary memories," and could not be troubled to present the Debtors' Petition, as he had apparently undertaken to do.



## CHAPTER XV

### THE PEERS IN THE COURT OF REQUESTS

The establishment of the Peers in the Court of Requests—Part played therein by Lord Byron—Lord Brougham—Lord Denman—Lord Eldon—Lord Wynford—Lord Lyndhurst—The Duke of Wellington—Earl Grey—The Marquis of Wellesley—The Marquis of Londonderry—Earl of Carnarvon—The Duke of Norfolk.

THE opening of the nineteenth century witnessed the establishment of the Peers in the penultimate building occupied by them before their settlement under the gorgeous roof that received them in the Victorian age. The Court of Requests seems also to have been known as the Lesser Hall, or the White Hall. There they remained an entire generation till they were burnt out (1834). The appearance of most popular interest during the first years of this period was that of Lord Byron, already mentioned. Before proceeding to other names some account of the building must be given. The Court of Requests projected from the Painted Chamber in a northerly direction. The character of its windows proved it originally to have formed a part of the Norman Palace at Westminster. The new and enlarged premises,

whither in 1800 the Peers removed, were rendered necessary by the additions to their number resulting from the Irish Union Act. That measure became operative on New Year's Day, 1801; it increased the Upper House by a total of thirty-two (twenty-eight representative peers and four bishops). At the time of the present writing (1904) it is only eight years less than a century that, within the Court of Requests now spoken of, Byron discovered nature intended him for a poet, not an orator. Of the Parliamentary building scarcely a vestige remains. The poet's house in Piccadilly, however, remains intact and almost unaltered. It was from 137 (now belonging to Lord Glenesk) that the poet, whom Liverpool thought "the women had spoiled for politics," rode across the park to Westminster to find himself not only hooted by the mob, but nearly pulled off his horse as he turned into Palace Yard. "I shall get my seat on the return of the affidavits from Cornwall, and will do something in the House soon. I must make a dash, or it is all over." So, in the March of 1809, Byron had written to his mother. How the vague parliamentary ambitions issued has been already seen. Lord Liverpool's criticism was substantially correct. Petted by the fair, Byron could think of nothing but himself and his votaries. In one respect Byron's delivery must have resembled that of another great poet of his time if this latter had ever spoken in the senate. The deep, musical monotone in which Lord Tennyson used to read such pieces as "Ulysses" to his friends will never be forgotten by those who heard it. Its effect, however, was due, less to its intrinsic beauty, than to

the transfiguring genius of the reader. Byron's recitations were given in a singing voice. Sir Robert Peel, who may well have been accurately informed on the subject, had been told that the poet chanted, rather than spoke, his maiden utterance in the Upper House. Genius without specialised industry seldom secures parliamentary success. In London, dissipation and rhyming left Byron neither time nor inclination for a pursuit in which, like politics, he could not from the first take the lead. Never forgetting the poet in the peer, he desired to shine in the assembly. As soon as he found distinction meant drudgery he renounced the ambition in disgust.

It was another peer of this period, though ten years older than the poet, who stung Byron into the resolve to become a writer of immortal verse. Byron himself had attributed to Jeffreys the famous *Edinburgh Review* article on the "Hours of Idleness." But after having denied it for thirty years, Lord Brougham confessed to Sir James Lacaita the criticism was really his work.<sup>1</sup> That extraordinary man was therefore the inspirer of the "English Bards and Scotch Reviewers," which first showed the true Byron to the public. Brougham's was the most striking personality among the Peers during their early years in the Court of Requests. By this time the Upper House had become the permanent home of a Court and Tory majority. That majority recognised its natural leader in the Duke of Wellington, who, as will presently be seen, occasionally acted rather as its moderator. The

<sup>1</sup> Sir Mountstuart E. Grant-Duff's "Notes from a Diary, 1851-1872," vol. ii. p. 189.

senate, in the first half of the nineteenth century, had thus become for the purposes of party government what, as a whole, it remains to this day. Its popular sympathies and capacity of interpreting national opinion were however not dead, but only suspended. Periodically, as the close of the nineteenth century was to show, the lords could be in not less close touch with the great body of their fellow-subjects than they were when Stephen Langton had organised them. During their first twenty years in the Court of Requests, the hereditary legislators, under Wellington, led the movements of reaction or persecution—thus, to their own national prejudice, they sided with George IV. against the luckless Queen Caroline, and by so doing caused their leader's windows at Apsley House to be broken once if not twice. From the welter of intrigue, scandal, and oppression, two reputations honourably came forth. One of these was that of Lord Brougham, the other was that of Lord Denham. As a speaker, whether in Parliament or in the Courts, Brougham showed to most advantage in reply. To be fully kindled, the fire of his intellect needed the shock of antagonism or collision. Whether in letters or in politics, his excellence was of the same kind ; he was essentially a critic—sometimes so captious as to be ridiculous. Peers on the opposite benches interrupted him with cries of "Hear, hear."<sup>1</sup> Brougham drew up to a dead stop, derisively stared at the interrupter, adding, "I have very good ears ; I hear what I

<sup>1</sup> At an earlier date the expression in both Houses had been, "Hear him !" The "Hear, hear !" came in with the nineteenth century.

am saying perfectly well. I only wish the noble lord's friends may have their ears equally open and that hearing they may understand." When met with the cry of "No, no!" rejoining with "but I say, 'Aye, aye!'" he adduced with perfect ease proofs of his statement, and resumed his argument as if the thread of discussion had never been broken. Brougham's facial resemblance to Brunnow, Russian Ambassador in London in the Crimean War period, was noticeable. But in his younger days the orator's really fine features, lit up by intellect, must have given him a beauty not possessed by the enigmatic countenance of the diplomatist. The high forehead, the dark complexion, the protruding nose, the fiery glare of the rolling eye, the scowling brow, the generally harsh expression, the chronic disturbance of the shaggy, dark grey hair, the attenuated figure, the far-reaching voice, at first low and subdued, introducing the subject with the enunciation of a few great principles to be applied afterwards. Such were the points chiefly noticed by the observer about Lord Brougham in the Peers. Presently the speaker's whole mind seemed to take flame. All the prefatory generalities were seen to have marked a necessary stage in the argumentative performance, preparing the conversion of the hearer to the speaker's conclusion. The consciousness of triumph added energy and animation to the orator; the tones which had sunk to a whisper swelled into a roar. The ennoblement of Denman came a little later than that of Brougham. What, as a youth, Denman had been at the Cambridge Union, in his college or university boat, that he showed himself in the Court of Requests.

Stately and picturesque of person, with his clear, strong, musical voice, capable of infinite modulations, he impressed every one as a man born to command. His natural oratorical gifts were far greater than those of Brougham. Unlike Brougham, he lacked energy or ambition. Nor did he possess, in anything like the same degree as Brougham, the faculty of intellectual concentration. Brougham's efforts in the cause of national education made him a great popular force. He also instructed well-known adults in the art of oratory. Amongst these was the first-rate after-dinner speaker, Charles Dickens, the novelist, to whom he gave the advice, "Try to see in your audience only so many rows of cabbages." Such popularity as Denman had came from the fact that his defence of Queen Caroline caused the king to veto his promotion to the Bench. Denman's eloquence resembled a clear, gentle, noiseless stream; Brougham's, a violent whirlpool. Among those who came under the lash of the latter's tongue was Lord Wynford, a noticeable peer of that period. Breathless, and bleeding from that merciless flagellation, Wynford could just rouse himself sufficiently to request attention to an almost forgotten Standing Order of the Assembly. This was the 15th, which provided that, "for the prevention of misunderstandings and offensive words all personal, sharp, or taxing speech be forborne, and whosoever answereth another man's speech shall apply his answer to the matter without wrong to the person." This senatorial statute also demanded apology and reparation by peers transgressing, as Wynford charged Brougham with doing, the decencies of debate. At the period now reached,

the orthodox traditions of the Tory lawyer, those of Thurlow and Eldon, were carried on by Lord Wynford. Eldon remained for all his successors a model of the heroic application implied in the highest success at the Bar. In 1802 the Peers were discussing the Peace of Amiens. Eldon could not stand for gout. In the morning he had been carried into his court; he despatched cases all day. At night he hobbled into the Lords, spoke for two hours, returned home, went to bed. Then he recollected he had papers to look at for the morrow's legal business, passed the rest of the night at his study table; was carried from his breakfast room to the court; again spent the evening with the Peers. The next day brought with it the delivery of great judgments from the bench. It was not till the small hours beyond the second midnight that Eldon found any rest. If Wynford never performed the same Herculean labours, his Toryism was as uncompromising as Eldon's. It was Wynford's distinction to conceive more clearly than any other lawyer of his time the intellectual basis of Toryism as a coherent system of political truths. Raised to the peerage a year before Brougham, he faced that terrible opponent with an intrepidity which morally never failed, even though argumentatively it did not always succeed. Between the two there raged incessant war. Neither could make a proposal which the other did not rise to denounce. Brougham's Courts of Justice Bill had given rise to the personal episode just mentioned. Wynford's Sunday Observance Bill, a little later, was stigmatised by Brougham as a reaction towards

mediæval darkness and oppression. As a speaker in the Peers, Brougham never quite lost the bullying manner of an examining counsel towards a troublesome witness in court. On the other hand, Wynford's ease and breeding secured him in the House a popularity such as is rarely commanded by professional lawyers. Yet at times no one could better adapt himself to the Assembly than Brougham. Notably he did this when confronting with his cool common sense the alarmist views of the Duke of Wellington's premiership, expressed by the second Lord Carnarvon, in 1828. "There might," he said, "have been periods for dismay that the soldier was abroad. In the present age, however, 'the school-master was abroad.'" On that occasion, for the first time, did Brougham coin this well-worn phrase. Brougham was not so entirely without generosity as has been represented. He could admire his most habitual opponents. "How I wish that I could give you some of my walking powers and that you could give me some of your brains!" So, striking his hand on his knees, said Brougham to Lyndhurst, in spontaneous admiration of an oratorial triumph achieved by the latter a few minutes earlier. The occasion was the Conspiracy to Murder Bill (1858). Lyndhurst, disabled in his limbs, had never, as Brougham thought, spoken with more clearness or force. To full command of his faculties Brougham united many remnants of physical vigour. Hence the remark, heard by Mr. Gladstone, related by him to Sir M. E. Grant-Duff.<sup>1</sup> At the time of his encounters with

<sup>1</sup> "Notes from a Diary, 1873-1881," vol. ii. p. 139.

Brougham, Lyndhurst was known as the legal exponent of reactionary Toryism and the uncompromising opponent of the Catholic claims; as such, in opposition to Canning, he had been "sent for" by George IV. before the Duke of Wellington. The early republicanism imputed to him is explained by the fact of his having been born a native of the United States, where, at Boston, his ancestors had settled from Limerick. His father, the artist, J. S. Copley, returned to England to push his professional fortunes and to educate his son. Originally meant for a clergyman, young Copley was sent to Trinity, Cambridge. Nature, however, had manifestly designed him for the Bar. He had no sooner made his position in that calling than Lord Liverpool, discovering his rare aptitudes, brought him into Parliament as member for the Isle of Wight. As one of the counsel against Queen Caroline, he foreshadowed the intellectual acumen and the political sympathies that afterwards made him indispensable to the old Tories in resisting Catholic claims. His great speech on this subject was made in 1827 while, as Master of the Rolls, he still sat in the House of Commons. He was largely indebted for his facts and arguments to a pamphlet by Henry Phillpotts, afterwards Bishop of Exeter. The fact was discovered before he sat down and sent a whispered quotation from a popular song round the house :—

"Dear Tom, this brown jug that now foams with mild ale,  
Out of which I now drink to sweet Nan of the Vale,  
Was once Toby Phillpotts'."

Next year, as Wellington's Chancellor, Lyndhurst not only obeyed his chief's "right-about-face!" but defended from the woolsack the emancipation policy he had denounced in the Commons. Lord Winchelsea remarked that for a parallel to the contrast he must go back to a woman in a Kentish workhouse who was delivered of a white baby and a black one at a single birth. Lyndhurst, in politics, took up young Benjamin Disraeli at the same time as in society Count Alfred D'Orsay drew his portrait and Lady Blessington petted him at Gore House. It was in Disraeli's power to requite Lyndhurst's attentions by waiving his claim in a certain quarter possessing special interest to the other man. Indeed, but for Lyndhurst's earlier patronage, the future Lord Beaconsfield's later connection with the Stanleys and aristocratic Conservatism generally might not have been established. Never was Lyndhurst's oratory better judged than by his brilliant *protégé* of those distant days. Even intellect did not permit the lawyer to lose himself in the orator. His arguments, eloquence and manner were always those of *nisi prius*. To expose an opponent's sophism or quibble one moment, and the next to illustrate how, with a little more ingenuity and resource, quibble and sophism could be used so as not only to escape detection, but to bring down the house; in these arts Lyndhurst had no superior among the Peers.

"Does any man believe that I would willingly give up the congenial duties of commander-in-chief for appointment to a station to whose duties I was unaccustomed, in which I was not wished, and for

which I was not qualified? My Lords, I should have been worse than mad if I had thought of such a thing." In these words Lyndhurst's Cabinet chief, the Duke of Wellington, characteristically repelled the charge of ambition to crown his military greatness with political dictatorship. The man who had saved Europe by the sword averted revolution from England by the intellectual resourcefulness displayed between the resignation of the Goderich Cabinet and the end of his own Government. As nearly as possible a year before Waterloo the duke first took his seat in the House of Lords. Those parts of the chamber reserved for strangers were unprecedentedly crowded. Below the throne sat the duchess, his wife, and his mother, Lady Mornington. Eldon, as Chancellor, welcomed him in a speech of gratitude for his services to the sovereign and the nation. The duke's true disclaimer, already quoted, of a wish for high political office was made a very short time before George IV. sent for him to form a government. What passed at that interview can be given in the duke's own words, originally uttered to the diarist Raikes. The duke found the king sitting up in bed with a dirty silk jacket flung over his shoulders. "Arthur," said the sovereign, "the Cabinet is defunct; you must form one." George, an excellent mimic, then proceeded to imitate the way in which, in 1828, Lord Goderich and his colleagues had recently tendered their resignations. The king wished Wellington to combine the Commandership-in-chief with the Premiership. The suggestion was overborne by his colleagues. With a blunt declaration

that he would never again interfere in army matters the duke resigned his military office, feeling thereby, as he put it, "most damnably like a fish out of water." The soldier, however, never merged himself in the statesman. In 1829, when he had decided on Catholic emancipation, Macaulay, then a youth, talking to Lord Clarendon, wondered how Wellington would win over the Peers to a policy which they had so often differed from the Commons in opposing. "It will be easy enough," was the answer, "the duke will simply say, 'My lords, attention, right-about, march.'" This was scarcely a caricature of the great man's oratorical manner on such occasions. As a speaker, however, he seldom reached the literary level of those despatches that give him, as a military writer, a place not much below Napier or Cæsar himself. Exaggeration and tautology were the two besetting faults that grew upon him with age. He had no fluency; for the most part he spoke slowly; his impressiveness was due, apart from his personality, to an emphatic and vehement manner of rapping out his sentences.

No better instance of these characteristics can be found than in some remarks in 1842, caused by an attack on the duke's old colleague, Peel. The Upper House then had no more noticeable member than an Essex landlord, who, though a Whig, was a staunch Protectionist, and who, long after he became a peer, was spoken of as Squire Western. Charles Callis Western combined the denunciatory habit of Fielding's creation with the bluntness of downright Shippen in the house of Walpole, with the shrewd and homely

mother wit of J. W. Henley in the days of Disraeli. He seems to have originated the sentiment of devout thankfulness for having always voted against "that d——d intellect"; this was *apropos* of Canning's duel with Castlereagh, which produced the remark, "Of course Canning was the aggressor, the fellow is stark, staring mad." Such was the man who had become Lord Western of Rivenhall in 1833, and with whom the duke oratorically crossed swords in 1842. "The agriculturists of the kingdom have been deceived by Sir Robert Peel," was Western's charge. The duke at once sprung up. "The noble lord," he said, "should have stated the when, the where, the how, and in what words my honourable friend deceived the public. But I deny the fact. I say the thing is not true, and that's the end of it." The duke's plan for the defence of London when, in 1847, the Chartists seemed to threaten civil war, showed, in the opinion of the highest experts, that at nearly fourscore he could make his military dispositions with the same keenness and sureness that he had done against Napoleon the best part of half a century before. The cant about Wellington not being a statesman is disposed of by his conduct in the matters of the Dissenters, the Roman Catholics, and reform. Statesmanship means the capacity of measuring the political forces and tendencies of the time. Here the duke showed himself the sage of England, just as he had already become the oracle of Europe. To him, as to Canning, the electoral system, in force from the time of the Plantagenets, seemed so perfect as to defy improvement. He no sooner saw the obstruction of

the Grey Reform Bill to threaten the peerage as an estate of the realm than he made and advised exactly the same kind of concession as he had done three years earlier when he accepted emancipation as an alternative to civil war.

Oxford in the nineteenth century might yet be called the home of lost causes and forlorn hopes in ecclesiastical and secular reaction. Even there the tolerant sagacity of the "Duke" in his attitude towards tests, emancipation, and reform won him fresh believers among the more sober spirits of the place. From the one Englishman who (for the memorable three weeks of 1834) has ever been openly acclaimed an absolute political dictator, the transition is natural to the aristocratic opponent, from whom the Crown had naturally looked to Wellington for deliverance. Born in 1764, Charles, Earl Grey, had opened his career in the Commons by supporting, against many of his own party, Pitt's proposals for Parliamentary reform. The first speech that made him famous came in the debate on Pitt's French Commercial Treaty. "In figure, voice, elocution, manner," said Addington, "Grey is unsurpassed. Alas! there is no detaching him from the Whigs." The cause of reform, however, long looked desperate. In the policy which he had taken up, and in which he never allowed himself to be discouraged, Grey encountered the combined antagonism of the king, the court, of society, and of the senate. Popular interest in the subject instead of being quickened seemed to diminish. His only experience of office had come to him when he was approaching middle

age in the Talents' Administration of Grenville and Fox. When twenty years' membership had given him an unrivalled position in the Commons his father's death removed him to the Lords ; he left no champion of his views behind him in the assembly with which the decisive vote lay. The formula, Peace, Retrenchment, and Reform, is hackneyed enough to-day. It was heard for the first time when enunciated by Grey as the basis of the Government which William IV. commissioned him to form in 1830. Till then everything seemed against Grey. Yet, as the sequel was to prove, the success of his practical statesmanship was only equalled by the logical cohesion and moral continuity of its separate stages. His fidelity to personal convictions or party traditions did not prove inconsistent with a certain shrewd opportunism. At no juncture did he refuse such compromise on details as left untouched the essentials of the scheme. His whole conduct of the Reform Bill, when compared with his course in less important matters, best illustrates the man. So far as a £10 franchise can be said to have embodied any principle, upon such principle Grey took his stand. Tory threats and palace prayers failed to move him. Before the Bill was brought forward he had weighed the chances of its eventual success against those of its final failure. His first-rate judgment satisfied him that his own policy, "the Bill, the whole Bill, and nothing but the Bill," would be the resolute cry of the country. Hence he never doubted his ability to overcome the opposition. He showed the same determination of no surrender during the O'Connell

business of 1833. The Irish Liberals, through their leader, had promised to support Grey if he would withdraw the more drastic clauses of the Coercion Bill. The proposal was not only rejected ; the mere notion of entertaining it was repulsed with scorn. In 1834, thinking he would be doing the Government a good turn, Littleton, afterwards Lord Hatherton, confidentially imparted to O'Connell the ministerial policy for Ireland. Grey was furious. Not content with reprimanding the intermeddler Littleton, the Irish Secretary, he stigmatised O'Connell as a person with whom no responsible official should have allowed himself any correspondence or communication. On the other hand, in matters that seemed to him of secondary importance, Grey frequently accepted Tory amendments which so altered Whig proposals as almost to prevent their authors from recognising them. Any concession within reason he considered an alternative preferable to indefinite delay and agitation. In every feature and expression of his countenance, in every tone of his voice and in every trick of manner, Grey showed himself the ideal of an English patrician. His demeanour, habitually serious, sometimes relieved itself by a certain grave urbanity ; but constant preoccupation on great matters made a solemnity of air the most marked characteristic of the man. A silent member of his assembly, except on questions of the first magnitude, when he did speak he always began in so low a tone as to be almost inaudible by those not on the same level or at any distance. Gradually the sombreness of manner was replaced by vivacity. The voice which, at its

lowest, was noticeable for clearness of articulation, swelled to a louder key; its artistically modulated tones were heard easily, not by those on the neighbouring benches alone, but by those standing outside the bar, within the space behind the throne, or in the enclosure set apart for the Commons. He had studied oratory in the best schools. His gestures were always as graceful and effective as his bearing was dignified. But for the most part, when on his legs, he used his arms little. The hands were generally clasped; then, at intervals of ten minutes or a quarter of an hour, they were separated; after hanging for some time at the side they were reclasped behind the back. Those who saw the third Lord Grey, the Colonial Secretary of 1846, speak in the House, will recall the reproduction by the son of these paternal peculiarities. The same traits have descended to the fourth earl, long known as Mr. Albert Grey in the Commons, and in 1905 Canadian Viceroy. Grey's power of intellectual concentration was testified to by the fourteenth Lord Derby. In 1833, during the Slave Trade debate, the facts and figures were placed in his hands after he had entered the House. His speech, made a few minutes later, showed a mastery of the details not approached by any other speaker. There had been certain passages of arms between Grey and Lord Falmouth. The former was rather expecting a challenge from Falmouth's threatening manner as he approached. It was only an intimation that if Grey violated the rules of the House Falmouth would call him to order. "You will," was the reply, "be doing perfectly

right." If his contemporaries are to be believed, he did sometimes relax, after the habit of the time. Creevey (under date January 24, 1810) relates how Lord Grey came to Brooks's drunk from the Duke of York's where he had been dining, sat on the sofa and talked as well as he could over the division on the night before, and damned with all his might and main the Marquis of Wellesley. Grey's excess may have been connected with some convivial celebration of an attack upon the Duke of Wellington made by him in the House during the previous day. His appeal during his remarks to the "Atlas of the falling State," the duke's brother, to vindicate all the incidents of Talavera, failed to bring up Lord Wellesley, then it would seem a favourite subject of gossip and anecdote at Whig clubs.

In person, Wellesley bore something like the same resemblance to his more famous brother as, at a much later day, was presented by the second Duke of Wellington to the first. An analogous resemblance was seen in the case of two other nineteenth-century brethren of historic name, William Ewart Gladstone and his eldest brother, Sir Thomas Gladstone, of Fasque. In each of these instances, the less distinguished member of the respective pairs reproduced, on a smaller and weaker scale, the facial characteristics of his family's more famous member. Thus Wellesley, as for that matter, Wellington's own son, had the Wellington nose and the Wellington jaw, without the strength shown in the ducal original by both features. Lord Wellesley's physiognomy and bearing were as much those of the scholar as his younger brother's traits belonged to the soldier.

"The grief of the soul" of Bolingbroke on the death of Queen Anne was "that the Tory party had gone." St. John transmitted his sorrow to more than one of his political descendants in Hanoverian times. Amongst the peers who always spoke as if they were assisting at the obsequies of the Bolingbrokian system one of the most conspicuous was Lord Londonderry. He never received full justice for his leadership of the Commons, as Lord Castlereagh. That inappreciation embittered him against his contemporaries. This explains a political pessimism which made Londonderry the Cassandra of his party and his order. The high courage of a spirited race had concentrated itself in his person; neither the breaking of his windows nor the attack on himself by a furious mob caused him for a moment to quail. He gloried in being the incarnation of the spirit which had animated Sidmouth's Six Acts. His maiden speech in the Upper House was a violent, rather than a vigorous, vituperation of the reform movement with which, from its infancy, Grey had been identified. Straightway he became the *enfant terrible* of his party in the Peers. Whenever he rose to speak a look of alarmed curiosity spread over the faces of his friends. They were on the look out for some "blazing indiscretion." His opportunity of compromising himself or his colleagues was short for, in the year after his succession to the Marquisate, he died by his own hand. In the Peers, Londonderry's oratory was even worse than had been Castlereagh's in the Commons, but his handsome face and aristocratic air made him as picturesque a personality among his con-

temporaries as he seems to those who know him now from the famous portrait of him as ambassador at the Russian Court. Scarcely less full of despair than Lord Londonderry at the democratising of the constitution was another peer of this period whom secession made a leader of the party to which Londonderry belonged by birth. The second Lord Carnarvon, like Lord Derby originally a Whig, had not received a place in Grey's administration. A man of intellectual power, of some learning and many accomplishments, this peer, in his manner, tastes and pursuits in the West of England bore some resemblance to the Lord Western of Riven Hall, in East Anglia, already glanced at. Like his eastern counterpart, Lord Carnarvon the second was locally known as "the Squire." Like him, too, he affected a bucolical bearing and a rusticity of speech which contrasted strongly with those of his son as well as of his later descendants. That son, on the eve of the Victorian age, had electrified the House by a maiden speech of rare promise, but also in itself an extraordinary performance. The classical structure of the sentences, the brilliant polish of many phrases and a sustained power of argument was set off to advantage by a good voice and manner; his presence was not prepossessing. His features, complexion and hair were for an Englishman exceptionally dark. The spectacles, which weak sight caused him to wear, did not sit gracefully upon him. A nervous restlessness detracted from the dignity of his spare figure. Of remote kin with Carnarvon was the most notorious among the ducal oddities of his time. The eleventh Duke of

Norfolk, universally known as "the Jockey," accurately reproduced the tastes, speech, manners and dress of his namesake. The peculiarities of his appearance and, above all, his pronunciation (the habitual sounding of i as ai) were regularly mimicked by George IV. to his guests at a dinner table when, as was frequently the case, the head of the Howards happened to be of the company.

## CHAPTER XVI

### THE LORDS ON THEIR TRAVELS

Self-assertion of Peers revives with their removal to the Painted Chamber—Viscount Melbourne, a popular Peer—Lord King—The Episcopal Bench : Henry Phillpotts, Bishop of Exeter ; The Greek Play Bishop, Blomfield of London ; Whately, Archbishop of Dublin ; Howley, Archbishop of Canterbury—Two Royal Dukes : Cumberland and Sussex—Lord Holland—The Marquis of Clanricarde—The Marquis of Conyngham—The Earl of Burlington, afterwards Duke of Devonshire—The Earl of Fife—Earl Fitzwilliam—The second Marquis of Salisbury.

THE Lords' stay in the Court of Requests was a period of surrender to popular pressure. Afterwards, while temporarily lodged in the Painted Chamber, they dared to re-assert themselves. In the Catholic Claims (1829) and Parliamentary Franchise (1832) the Peers capitulated. The act was denounced by some as one of suicidal abdication, praised by others for a wise concession to the spirit of the time. Whichever description may be accepted, it did not prevent them from plucking up courage successively to resist the Irish Municipal Corporations Reform Bill, and the Irish Tithe Bill. The clause on which this Bill was thrown out was one insisted on by the Commons,

and stipulating for the appropriation to general purposes of the Irish Church surplus revenue. The Lords faced another storm of obloquy by rejecting the measure for governing charitable trusts by popular election and the Bill for disfranchising Stafford. In the public eye, these assertions by the Hereditary House of indifference to the fiat of the Commons were merely details in party warfare without any constitutional significance. In the same way the common sense of the nation had seen nothing below the dignity of the senate in its acceptance under the Duke of Wellington of Catholic Emancipation. With regard to the group of measures already mentioned, as thrown out by the Lords in 1837, the truth is the ministerial peers, with the entire approval of the country, were out-voted in their own House because of their intellectual inferiority to the Tory Opposition. As Lord Campbell put it in his autobiography, the Government were at the mercy of their enemies. His *protégé* and pupil, Benjamin Disraeli, paid a just tribute to the luminous precision, the argumentative incisiveness and the oratorical tact of Lyndhurst. Against those resources of genius and courage, the administration could only set the good sense of the Privy Seal, Lord Duncannon, and the amiable or benevolent neutrality of their own Prime Minister. Of a comely and pleasant countenance, transmitted with striking fidelity to his twentieth-century descendants, Melbourne's Lord Duncannon was the most carelessly dressed and certainly the least eloquent peer of his day. Standing motionless, with his hands on the clerks' table, he uttered, with repeated correc-

tions, his few incoherent sentences in a voice which, though low, was audible enough to impress the entire house with the truth, perfectly realised by himself, that his tongue could advocate no cause without injuring it. Melbourne will presently be reverted to. William III., *apropos* of disputes about the best form of government, abstained from giving an opinion on the relative merits of aristocracy and democracy, merely expressing the conviction that the worst government was that which could not carry its own measures. Without political convictions, without moral force, without even moral character, Melbourne could only have led the Lords, still less could have ruled the country, in the aristocratic epoch of Hanoverian heathenism. That, starting as a Tory, he travelled by easy stages towards Radicalism, was no more a reproach to Melbourne than to Fox before him or to Gladstone after him. Whether in the Commons or the Lords, political inconsistency has, as often as not, been another name for intellectual inertness. The personal tradition of Charles Fox and the Regency had made Whiggism the fashionable vogue. Discarding the ancestral Toryism, William Lamb had begun his political life in the Lower House as Whig M.P. for Leominster. While yet a Commoner, he found out the error of his ways and, as Irish Secretary under Canning, Goderich and Wellington, was temporarily won by office to the Tory faith. The succession to the family title in 1828 emboldened him again to exercise the right of private judgment. He was free to gratify the mature convictions of his political conscience. He had learned

wisdom from experience ; he obeyed the latest call of national duty by espousing the new and better order of things, which happened to be that of the rising Liberalism. Melbourne's final adoption of Whiggism coincided with the first decided failure of Lord Grey's health, and marked him out as Grey's successor. He really showed himself a sufficiently earnest Whig by his advocacy of the eventually excised clauses of the Municipal Corporation Bill. Nor need he have been, after his way, the less in earnest, if he regarded politics as a game of compromise. Not to drag the Crown or his own order into agitation, with that end smilingly to accept such concessions as could be won without wrangling, and generally to remember the maxim of Greek philosophy, that there are cases in which the half may be more than the whole—such was Melbourne's metier. As a speaker, he never attempted more than plain, superficial business statements. His methods of party management are suggested by the familiar but historic and characteristic anecdote of advice to his cabinet colleagues on a matter of tariffs. "Look here, it doesn't much matter whether we put a tax on or take it off; but we must all say the same thing." Whether in politics or other matters, he paraded no convictions, but was guided by an almost unerring sense of expediency, by a rational patriotism, and by a shrewd common sense which recognised the etiquette and the proprieties of public life. All discussions were to him mere logomachies, dull or diverting according to their subject matter, but of little intrinsic importance. The Viscount Melbourne of the Victorian age is an im-

portant personage, less because he was a discreet minister and a wise custodian of a young queen, than because, by his social breeding, his life and manner, he personified the contemporary genius of the nineteenth-century peerage, and formed a political school for the Peers in which he has had many followers, but no rival more consummate than himself. Some of his contemporaries were interested in Melbourne's intellectual side. These saw at once humour and pathos in a man who was an Epicurean in practice and in sentiment a sceptic, finding his hobby in theology. A certain simplicity and heartiness, artistically assumed and most happily becoming him, endeared him to the masses. He was never happier than when dining, often incognito, at farmers' ordinaries on market day in some country town. "Capital beef, landlord! This is the sort of joint to make one say, 'Cut and come again,'" said Melbourne, who had already taken three helpings. "You can cut," replied the landlord, "but bless me if you shall come again." "I'll tell you," went on the Premier, "what I like most confoundedly, too, and that is boiled mutton and lots of turnips." The whole countryside rang with these and other like anecdotes at the time. They not only did Melbourne a good turn with the people; they helped to keep up a popular tradition for his party and Chamber too. Melbourne shone especially in his social dealings with individuals. Witness the relations between himself and the younger Disraeli on the latter's unpromising but pushing début in society. "Your lordship," superciliously drawled out the wondrous boy who wrote "Alroy" at the dinner table,

"seems to have taken your ideas of Eastern politics from the 'Arabian Nights.'" "Ha, ha!" rejoined Melbourne, rubbing his hands, as was his manner when amused, "and a devilish good place to get them from, too." This was the occasion on which Melbourne, struck by the young man's cleverness, asked what he wanted to be and whether he could do anything for him. "I intend to be Prime Minister." "Well, well," laughed the older man, "we must see if it can be managed." Nor in more august company did Melbourne's *grata protervitas*, which, for this occasion, might perhaps be translated "courtly impudence," sometimes show itself less amusing. In 1846 the Court was all for Peel and Free Trade. At the dinner table at Windsor, in reference to the forthcoming measure, the statesman suddenly broke out, "Ma'am, it's a damned dishonest act." The queen laughingly tried to quiet him. He repeated, "I say again, it is a very dishonest act." What recommended Melbourne to the Palace was the resourceful promptitude of which the Cabinet often thought it saw too little. In the February of 1835, Peel had needed some days' consideration before undertaking to form a government. In the following April, Melbourne received the commission and practically executed it within four-and-twenty hours. Fashionable lady novelists of the Mrs. Gore and Gordon Smythies school took Melbourne as a type of the patrician libertine, half a Don Juan and half a Pericles. The trait that constituted the chief charm of the man to his associates, and indirectly to the general public, was his airily good-natured contempt

for the gewgaws, the titles and all the ornamental trappings of the titular system. An earl's request to be improved into a marquis elicited the reply, "My dear——, how can you be such a d—— fool?" Another noble lord had been made a K.G. and yet was not happy. "Confound it," said Melbourne, "does he want a garter for the other leg?" A Colonial governor, on retiring, desired a title which would perpetuate his administration. "Is it not," was Melbourne's quiet aside, "a little too much like Scipio Africanus?"

The episcopal bench has often supplied premiers with subjects for pleasantries. Lord Salisbury complained that he had to give up going to the Athenæum Club because its shovel-hatted and gaitered members went off with his new umbrellas. A vacant mitre was the only thing that ever gave Melbourne a sleepless night. "The bishops," he said, "died on purpose to spite him." Melbourne enjoyed nothing more than egging on a brother peer, the *malleus episcoporum* of the day, to denounce the representatives of the Church. This was Lord King; he seemed never completely in his element save when abusing the Low Church as impostors and the High Anglicans as agents of a gross superstition that ought to be put down by law. It was, indeed, less the Church as an establishment than any system of religious faith and worship which Lord King affected a mission to attack.

The spiritual lord from whom Melbourne suffered most seems to have been "Henry of Exeter." Lord Wriothlesley Russell, Lord John's brother, desired to

be made Dean of Exeter. Melbourne, giving his promise, expressed his hope that the new dean's aristocratic name and title would be of advantage to him in his contest with "that devil of a bishop, who inspires more terror than Satan ever did." "Wrio" would have to cope with the prince of darkness, and so forth. Phillpotts was, beyond a doubt, the ablest, as well as the best known and most interesting among the occupants of the episcopal bench. His personal appearance was all in his favour. A handsome, intellectual countenance surmounted a stately and perfectly proportioned figure. The brow was really noble, and justified the little personal vanity which caused the thick wiry hair to be brushed so far back as to display the ample forehead in its full extent, and to seem like a *cheveux de frise* guarding and crowning it. These personal effects were deepened directly Bishop Phillpotts rose to speak. Composure of manner, mild candour in the expression of his countenance, a voice subdued and soft, yet musically clear, either gesture of the gentlest kind, or a statuesque immobility of body—such were the chief impressions left upon those who sat through one of this bishop's orations. If the manner generally lacked animation, waves of strong feeling from time to time seemed to rush upon him. The entire performance was an intellectual treat to those who witnessed it; its dramatic effects were only produced after an exhausting process of solitary absorption in a well-stored library and occasionally before a looking-glass. In the popular eye Henry of Exeter was the firebrand of his order. His intervention in any con-

troversy was a presage of storm and tempest, of fury and flame. The aspect of the orator was invariably placid, even to drowsiness. For the most part, even while he spoke, his eyes were closed as if in the sleep of innocence. Excepting Brougham and Lyndhurst, Phillpotts had no intellectual superior among the peers of his time. In strength and closeness of argument he rivalled even these. Somewhat resembling Phillpotts in voice and demeanour, Blomfield of London, the archetype of the Greek Play bishops of the nineteenth century, had also a complexion as dark and an expression of face as chastened as his brother of Exeter, whose clerical views and whose perfect control over his temper he shared. "An interesting little book with very little about logic in it," was Newman's criticism on Archbishop Whately's best known manual. It was Newman, or some of his school, who read into Whately's theology a droll heterodoxy. The severest disciplinarian among the Oxford dons of his day was charged with holding the moral portion of the Decalogue, as well as the ceremonial, to have been superseded by the Christian dispensation. This, perhaps, was a slap rather at St. Paul than at the Dublin archbishop. The apostle repudiated it in famous words of burning indignation. The archbishop ignored it as one of the stock antinomian accusations brought by Anglicans against Evangelicals. Heavy in appearance and as a speaker, Whately's position in the Upper House was that of ecclesiastical adviser to the Whig party. On one occasion alone Phillpotts, in the House of Lords, let himself loose. The gentlest mannered and kindest

hearted prelate of the time was Howley, the Archbishop of Canterbury, but he lacked the force and courage, the professional enthusiasm and the intellectual resources of Phillpotts, who despised him accordingly, and in the discussion of the Ecclesiastical Discipline Bill (August, 1838) by a furious attack goaded the primate into a warm reply. A droll chance threw together Howley and the most Tory of the royal dukes. "Illustrious by courtesy," was Brougham's way of indicating the special object of his aversion, his Grace of Cumberland. The Duke of Cumberland owed most of his fame to the prodigious size of his whiskers, his moustache, and to the terrific force of his habitual imprecations. A Bill against Church rates, then before the House, had fired Cumberland's indignation against this latest act of Whig sacrilege. "The primate must be made to bear the brunt of resistance to the proposal; he is on the premises, my lords, I will go out and find him," said the royal duke across the table. Returning presently from his interview with the meekest of all Augustine's successors, whose temperateness of speech had passed into a proverb, Cumberland exultingly exclaimed, "It's all right, my lords, I have seen the archbishop, and he says he will be d——d to all eternity if he does not see the measure to h——" Such was the royal duke's way of putting the promise of co-operation given by the blameless divine. "The popular member of the royal family," to employ the current phrase expressing that pre-eminence, was the Liberal Duke of Sussex. For many years the social chief of the reformers, he defended his political faith with equal frankness,

courage, and ability at public meetings and in the Upper House. Nearly the tallest and stoutest man of his time, he presented in appearance and manner a striking contrast to his brother, George IV., whom he surpassed equally in the personal dignity coming from mental elevation, and in intellectual power. In the front rank among the scientific men of his day and a great friend of London University, then a young and struggling body, Sussex anticipated to some extent the part taken in all scientific movements by the Prince Consort ; his large, jolly face, big voice, and genial bearing received the same welcome at the learned society meeting as in the senate of his day. Conspicuous in the group of Liberal peers who revolved round Sussex was Lord Holland, the nephew of Charles James Fox, so educated by that statesman into his own political ideas as to be accepted as his representative. To some inheritance of his uncle's debating power, Holland added much of his famous relative's ease, with a grace and elegance that were his own. Another connection in the Peers of a by-gone celebrity in the Commons was Lord Clanricarde. The son-in-law of George Canning, and the handsomest man of his time, he had reproduced the spacious and lofty forehead which was Canning's most conspicuous feature. He had also much of that relative's lucidity of expression, with now and then a touch of Canning's brilliant and epigrammatic rhetoric. The Upper House saw in him the peer most after the heart of fashionable society. When it became known that Clanricarde was to speak, the salons of Mayfair and the dinner rooms of St. James's began to empty.

Always, like Lord Clanricarde, dressed in the extreme of fashion, Lord Conyngham, the son of George IV.'s favourite marchioness, was another peer specially favoured by the *ton* of the period. Consummate tact in playing his social and political cards caused him to stand equally well with the leaders on both sides, with the Tory Court, with Grey's Whig cabinet, and with the crowds in Palace Yard.

The future chief of the Cavendish clan, by the older style of the Earl of Burlington, sat on the same benches as the peers just mentioned. Then under thirty, he differed little as to the cast of features and gentle grace of manner from that seventh Duke of Devonshire that he afterwards became and that, till within a few years ago, had become familiar to persons now living. He supplemented signal success in the Cambridge schools with commanding influence in the senate, due quite as much to the modest and gentle dignity of his manner and character as to his great station. The fifth Duke of Devonshire, as shown in an earlier chapter, owed his distinction to having married successively the two handsomest women of the time. The sixth Duke was enabled by the genius of Paxton and his own wealth to become the creator of Chatsworth and Chiswick. He left no son; his successor, the seventh Duke, was found in the Lord Burlington who, in the temporary home of the peers (1834-1850), while presenting the well-known personal characteristics of his race, symbolised the intellectual distinction and moral elevation of the assembly. If Lord Fife's sentences had not seemed to be playing a continual game of hide and seek with each other, he might

have set an example in eloquence to his descendants. This senator united abundant and varied knowledge with a method so desultory, and at the same time so encyclopædic, that his hearers panted after him in vain and could never feel certain at any particular point whether he had passed from the first Olympiad, or the Founding of Rome, to the grave-diggers in "Hamlet," or to the last nefarious attempt of an English minister to make the frugal Scot pay more for his whisky. That was the issue which had caused his dismissal from office by Castlereagh in 1820 and had given a popular immortality to his features by a caricature, being also an excellent likeness, displayed in every print-seller's window, under the title of "The Disharged Fife—er." Tall and handsome, with the quick, dark, lustrous eyes, bequeathed to so many of his descendants, this ancestor of King Edward VII.'s son-in-law was noted for being the most shy and solitary noble of his time. The peers of this period, who may roughly be compared with the Unionist senators of the twentieth century, grouped themselves around Earl Fitzwilliam, who lived in a perpetual state of feud with his noble neighbours on both sides, less from any real antipathy to them, than from a confusion of mind and manner that prevented his always understanding what was said by others, or very precisely stating what he meant himself. The calm and amiable Howley felt bound, as primate, to resent Fitzwilliam's application of the word sect to the Irish Church. The lay lord replied with the suggestion that a Latin grammar and dictionary should be sent for. Thus it would be seen

that the English Church, wherever planted, was itself as much a sect as the Romish Church, the Baptist, the Presbyterian or the Unitarian. The peers found the incident the more amusing because Lord Fitzwilliam's manner, voice, and gesture much resembled those of an evangelical field preacher. The French Revolution transformed the Portland Whigs into Tories. A little later it caused Lord Fitzwilliam to confess the fascination of Pitt by becoming his regular supporter. From that time the politics of this house have been Conservative rather than Liberal, but there were earlier Fitzwilliams whose popular sympathies, at the time of the "Peterloo massacre," secured them grateful commemoration by Ebenezer Elliott, the Anti-Corn-Law rhymist.

The socio-political position of the Hatfield Cecils and of the Cavendishes respectively had clearly defined themselves, even at an earlier date than has been now reached. Throughout the struggle between the younger Pitt and Charles Fox, a Lady Salisbury was always the chief patroness on the Tory side, and her house the social headquarters of the party. On the other hand, against her destiny always pitted a Duchess of Devonshire. A Marquis of Salisbury therefore formed part of the ornamental furniture of Conservative Cabinets during the period of the Peers' establishment beneath their present gorgeous roof at Westminster. Few family contrasts could be greater than that between the Prime Minister of the nineteenth century and his father, who was Lord Derby's President of the Council in 1858. A halting and inaccurate speaker, hesitating long for a suitable

word and at last invariably taking the worst possible, he diminished a certain dignity of presence by a manner dismally droll. When speaking he used none of an orator's gestures, but had a trick of moving his head up and down so rapidly that observers sometimes betted as to the number of these movements that would be accomplished before the orator sat down.

## CHAPTER XVII

### LEADERS OF THE LAST GENERATION

A Survey of the Lords from the time of their separation from the Commons (1483) to their establishment in their present home (1847)—“A popular check on the kingly power”—More independent than the Commons—Humours of Charles II.’s Upper House—The rights of Peers—Respect shown to the Peers by the Commons—The Lords’ Committees similar to the Commons’—The Peeresses’ Gallery in the present building—Lord Redesdale, Chairman of Committees and Dictator of the Lords—Another Chairman, Lord Morley—The Earl of Eglinton—The Marquis of Lansdowne—The Lords and Divorce—The relations of Lords and Commons on money bills permanently defined.

THE Peers held their first sitting in a chamber of their own apart from the Commons in 1483. In April, 1847, they took possession of the building occupied by them to-day. The three centuries and a half, separating these events, had witnessed the organisation of the estates of the realm into a parliamentary body that, with comparatively few exceptions from the point at which modern history begins, had acted as a popular check upon the kingly power. The Lords might also, as the personal instances already given abundantly show, claim to be

accounted generally representative of the social prejudices and political sentiments that constitute the sum of public opinion on all matters of interest, not only to the aristocratic order itself, but to the great mass of Englishmen. On this point reference may be made to Burke's speech to the Bristol electors (1774). The representative, he said, owes to his constituents industry and the exercise of judgment. Authoritative instructions, he added, mandates, issued and claiming blind obedience, were things utterly unknown to the laws of this land, and arose from a fundamental mistake of the whole order and tenour of the constitution. The Bristol voters had, for six years, been constant to Burke. They were not prepared practically to endorse the peremptory, and it may be said, unhistorical dogma, in which he had now formulated the reciprocal duties and privileges of the representative and his constituents. They bore with him for six years longer. In 1778 came his sagacious and patriotic measure for relieving and encouraging Irish trade. The English commercial interest generally resented the proposal. The owners of the well-filled warehouses on the bustling quayside of the Avon took fright. In 1780 the famous member lost his seat. Facts do not bear out Burke's view. During the infancy of Parliament, the city burgess, if not the shire knight, habitually found himself the servant, or at best the delegate of those who had nominated him to his seat. The one element of independence in the representative system was supplied by the Lords, the conditions of whose daily life kept them in close touch with the masses. Under Henry VIII. the hereditary branch

of the legislature had become the ornamental part of the constitution; the real work was done in the Commons. Yet the Tudor king could send for an influential member of the Lower House, Edward Montague, and could say to him, "Ha! man, will they not suffer my bill to pass? Get my bill to pass to-morrow, or else to-morrow this head of yours shall have passed from you." Parliamentary representation in the Commons was not a privilege which the citizens coveted, but a burden of which they prayed to be relieved or which they struggled to evade. The county members traditionally belonged to the same social class as the smaller nobles, and shared their political sympathies or social predilections. It was these shire knights, often indistinguishable from the Lords, who formed the original backbone of the Commons and organised it as an independent debating assembly. The town or city burgesses licked the ground on which the sovereign stood, or cowered like whipped spaniels before the Lords. Not till the seventeenth century did the Speaker himself cease to do obeisance to any emissary from the Peers to the Commons. Sir Thomas More had been placed in the chair by Wolsey, and, whenever his patron personally aired his insolence in St. Stephen's, almost fell prostrate before him, as personifying the superior dignity of the Upper House. There seems to be some doubt as to the identity of the Nottingham orator who, during the Reform agitation of 1831, conjured the lieges to rally round their sovereign like the barons at Runnymede. To the crowned figure in the Runnymede episode it had seemed, not rallying,

but war to the knife. Notwithstanding the co-operation, on the main issues, of the two Houses, the points in dispute between Charles I. and his Parliament involved, on several details, substantial disagreements between the hereditary and popular Assemblies. The opportunity of moderating and mediatorial service was neglected. The Lords lacked the justice and the courage to rescue Strafford from an iniquitous doom. They were wanting in the spirit which might have braced them to arrest the sovereign in his course of high-handed and suicidal duplicity. They had a patrician contempt for the sense of citizenship which might have won them the confidence of the masses and strengthened them in urging upon the king a policy that, honestly pursued, might have averted the supreme mistake of the king's execution, if it had not even prevented the war. During the seventeenth century neither the spiritual nor the temporal Peers affected even an atom of the independence that enabled Langton and Pembroke to wrest the Great Charter from John. The Peers vied with each other in being Charles II.'s creatures and tools; their chamber was his favourite lounge. He used to say that their debates were as good as a comedy. He might have said as the broadest farces. On November 20, 1680, the Lords debated the dissolution of the king's marriage with Catharine of Braganza because of the infertility of the union. One speaker objected that the king might have no children even by another wife. On this, Shaftesbury rose and, pointing to Charles in his accustomed position by the fire-place, said, "Can it be doubted that such a king

must become a father? He is not more than fifty. Many friends of mine do not despair of an heir at sixty." Upon this, Charles burst out into a roar of laughter in which the entire company joined. The king doubtless recalled a French mot which was perhaps in Shaftesbury's mind too: "A man marrying at seventy has a fair chance of offspring; at eighty he is quite sure of it." Incidents of this sort were common in those droll days. Charles missed no stage of the Declaration of Indulgence debate. The Duke of York, having taken his seat on the right side of the throne, was told by Shaftesbury that, as heir presumptive only, he should be on the left. "Why, lord," returned His Royal Highness, "you're a rascal and a villain." "My lord," calmly replied Shaftesbury, "I am obliged to you for not also calling me a coward and a Papist." Salacious pleasantries were sometimes exchanged for fisticuffs. Pepys records how the Duke of Buckingham, my Lord Dorchester and one or two more, having called each other liars and belaboured each other's persons in the championship of senatorial decency, were committed to the Tower. Another personal feature is brought out by this social retrospect. The bishops had once been the popular champions or the arbiters between the masses and the executive. At the period now looked back upon, these functions were more frequently fulfilled by soldiers. In 1700 the Commons were bent on forcing through the Lords a Bill annulling royal grants of forfeited property. Again and again the Peers rejected the amendments made "in another place." The Lower House insisted. National ruin because

of the three B's—Bishops, Bastards, and Beggars—was the popular cry whose notes vibrated through the fabric of state. Better pass a bad Bill than provoke another revolution, was Marlborough's advice. The Peers gave way; tranquillity was at once restored. The Duke of Wellington's attitude towards the Grey Reform Bill and religious tests has been already set forth at sufficient length.

Monitions of patriotic common sense, like those of Marlborough and Wellington, were not forgotten. During centuries plain men, who were not partisans, had been accustomed to look, at national crises, to the Upper House for counsels of sobriety and statesmanship. That reputation the Peers brought to the House of which they took possession in the middle of the nineteenth century. They also brought to it a parliamentary organisation of which something must now be said. Foremost among their rights was that of judicature. They had claimed and, without resistance, had won the power of trying misdemeanants belonging to their own number. Disputed titles to peerages, all controversies incidental to the election of Scotch representative Peers: these things now came within the unchallenged jurisdiction of the Upper House. So much of what might be said under this head belongs to the general history of the constitution that the present remarks are exclusively confined to the conditions under which the estate of the Peers gradually became associated with the Commons in a particular department of legislative business. Jealousy between the two Houses may be said to have died out. But, from the point of view of constitutional

etiquette, the Commons remained the inferior body. That fact or assumption continues to regulate the personal details of official intercourse between the estates. Before 1847, when a conference of the Houses was proposed, the messages of the Upper House to the Lower were sent by two Masters in Chancery, or if any question touching the royal family should arise, by two Judges. In the very year in which their present home had been prepared for, if it were not actually occupied by, the Peers, the Lords were thought to make a great concession by consenting to receive all Lower House Bills at the hands of five, instead of eight, M.P.'s, or of one Judge instead of two, should the subject matter affect royalty. When the elaborate preliminaries have been exactly arranged, the Commoners comport themselves in the Peers' presence with the respect due to beings of a higher order. If a lord deigns to appear in any room on the Commons' premises he is at once accommodated with the most comfortable chair available, in which he composes himself as if for slumber; while none of the Commoners present dares to take a seat, even should he have to use a pen. When the visit is paid by the Commons to the Lords, the mere M.P.'s take their hats off at the very moment of the Peers ostentatiously covering their own heads. Originally certain stages in the procedure with private Bills were useful as promoting friendly intercourse between the two estates. To-day this portion of the parliamentary machinery derives its chief value from the economy it effects of parliamentary time. The Private Bills Committees of the Lords, in the manner

of their appointment and in their method of transacting business, resemble those of the Commons. Personal Bills affecting the peerage still of course have their origin in the Upper House alone. Formerly measures concerning rates, tolls, and duties, a very large and important class, also of necessity were first seen in the Peers. Already, however, much has been done towards impartially dividing private Bill legislation between the two assemblies. The existing tendency is to promote the introduction of all private Bills indifferently in either chamber. The exact routine followed in these matters may be briefly summarised. A private Bill comes to the Lords from the Commons; it first goes before the Chairman of the Lords' Committee and his counsel. Improvements or alterations are suggested and adopted or not, before the measure reaches its final stage in the Commons. If the private Bill deal with estate, the Lords refer it to two judges, who are also Peers of Parliament. The perfect amity now existing between the two chambers does not relax the insistence by the Peers on the Commons exactly complying with those Standing Orders that formally embody the privileges of the hereditary House. The power of examining witnesses on oath and of granting them their expenses is possessed by the Lords in committee, as it is by the Commons. The times of committee meeting are also the same in each House, 11 a.m., except on Sundays and the great fasts or festivals of the Church. The procedure of the committees of the Upper House only differs from that of the Commons when the subject considered

is a Bill for restoring honours and lands, for reversing attainders, or some other cognate matter. Bills of this sort are first signed by the sovereign, are then presented by a lord to the Upper House; having there passed through the ordinary stages, they go down to the Commons. When the whole House is sitting, a more important distinction between the two estates is seen in the fact that in the Lords, without notice, any peer may present a Bill to the assembly, and that in the Commons such an act of presentation is preceded by a humble petition for leave to bring in a measure, and by other rigid formalities.

Among the most conspicuous novelties of the gorgeously decorated building in which the Lords now hold their sittings, is the Peeresses' Gallery, traversing the entire length of the chamber. Nothing connected with the assembly has impressed foreign visitors, especially when they have happened to be Asiatic potentates, more profoundly than the aspect of this enclosure, on the occasion of a great debate. The rich dresses and the flashing jewels of the ladies, gleaming out against the richly decorated background, produce as fine an effect as is to be seen on subscription night at the opera, in the height of the London season. In the older abodes of the Peers, there had been little or no accommodation for their feminine friends. In Barry's structure, with which the public to-day is familiar, the other sex from the first threatened, as regards spectacular effect, to dominate the assembly. On February 4, 1851, on Lord Shaftesbury's resignation, Lord Redesdale became Chairman of the Upper House Committees. His

genially bustling and peremptory manner, his old-fashioned dress, his shrewd, clear, business-like views and habits have given him an enduring niche in the portrait gallery of the House. He combined clearness of voice with such extreme rapidity as to enable him, it was said, to utter, as one word or in a single breath, the official declaration "As many as are of that opinion will say content; the contents have it." Lord Redesdale was a gentleman of the old school in 1850; he marked his entrance upon office by a protest against the aggressive visibility of the "monstrous regiment of women." Not content with the places set apart for their reception, the fair invaders overflowed into other parts of the building. "Why," he exclaimed, "the place looked more like some popular pleasure place than a Parliament." Lord Ellenborough said the multitude of new spectatresses made him feel as nervous as a shy young man who met a girls' school out for a walk. Lord Lyndhurst point-blank refused to speak in what had ceased to be a place where business could be transacted and had become a casino. Lord Granville smiled, and without pretending to his noble friend's acquaintance with the interior of music halls, said he now understood why some of the Opposition oratory had been so surprisingly ineffective.

Lord Redesdale's bluff old-world presence might be seen at the table throughout the greater part of the Victorian age. Lord Redesdale had been rather the master of the House than its servant, and had disciplined it into the most perfect obedience to his rugged will. The only resistance to his despotism came from the Irish members, who were constantly

moving the reduction of his salary. Entering the House on an April day in 1889, when a new Chairman was about to be chosen, Lord Granville was asked whether Lord Morley might not have a chance. "Not the slightest," was the reply. This opinion seemed universal, because Lord Salisbury had taken up the cause of Lord Balfour of Burleigh. Lord Morley, indeed, had been unsuccessfully put up once already. On the present occasion, the Tory candidate's success appeared inevitable. When, however, the votes had been cast and were counted, to the surprise of all the Opposition peer had won by a majority of eighteen. The new Chairman had already won the reputation of being the best classical scholar in the Peers, since Lord Lyttelton. Oxford influence perhaps helped him in his competition with Lord Balfour of Burleigh. A natural aptitude for parliamentary business had been trained and strengthened by active experience of county administration, before his official apprenticeship at the War Office. The unexpected promotion of Lord Morley to Lord Redesdale's place was only one in a series of surprises that have marked the personal story of the senate in its present building. Even though the revolution of 1832 might spare the Crown and the Church, it would inevitably prove fatal to the peerage. So said the political Peers of three score and twelve years ago. The coolest headed and most optimistic of the number would have ridiculed the idea of the Lords in the twentieth century finding themselves in a stronger position than at any period since the establishment of a limited and constitutional monarchy.

Among the individual peers who have contributed to this result, during the first decade of sojourn in their present palace, two stood forth pre-eminently. Not entirely without reason did his compatriots claim for the thirteenth Earl of Eglinton the distinction of being the uniquely impressive and splendid representative of the aristocratic principle. Before (July 11, 1861) he appeared in the House for the last time, he had been twice the most popular Irish Viceroy of his century; he had set on foot the inquiry which reformed the whole system of Irish education. In Scotland his position was almost that of a royal personage; even in London he never drove in the park without attracting an attention second only to that bestowed upon a great lady, whom Lord Eglinton's reproduction of a mediæval pageant had caused the popular mind to associate with him. This was the Duchess of Somerset. As Lady Seymour she had been the queen of beauty in the tournament at Eglinton Castle, when the future Napoleon III. tilted successfully against all comers. What North Britons saw in this magnificent survivor of their feudal princes, England possessed in the grandfather of the present fifth Marquis of Lansdowne. When Lord Henry Petty he had been Chancellor of the Exchequer in 1806. In 1848, as President of the Council, had led the Peers in the Russell administration. Lord Lansdowne had shown, from his boyhood, characteristic independence; he had contrived to be sent to Westminster School, instead of to the traditional Eton or Harrow; before going to the University, he passed some years at Edinburgh and

in the house of Dugald Stewart, as his pupil. Here, while a member of the speculative society, he acquired the dialectical skill which placed him among the best debaters in the Peers, and which qualified him, beyond any noble of his time, to secure a popular victory for enlightenment against prejudice. The occasion soon came. After being installed in their new home, the Peers came into collision with the Lower House over the Bill for repealing the Paper Duty. A patron of art and letters, by inheritance as well as by personal temper and taste, Lord Lansdowne was recognised as the ornament of his order at Westminster. When his imposing figure, specially distinguished by the blue coat and the voluminous white neck-investment, appeared in the Park, hats were doffed to him, just as they were to the Duke of Wellington. The Paper Duties, as already said, had furnished the first occasion after 1850 of a grave difference between the two Houses. Four years earlier, however, the Lords and Commons had disagreed on a subject of deeper and more widely reaching social importance. In opposing the Divorce Bill of 1857, Mr. Gladstone in effect followed the Peers' lead. Yet the subject was one that had received part of its impetus from an historic precedent in the Upper House. In 1550, Lord Northampton, having obtained a divorce from his wife *a mensâ et thoro*, had re-married, obtaining by a private Act of Parliament sanction for all he had done. From the middle of the sixteenth to the first half of the nineteenth century, between two and three hundred Parliamentary Acts had annulled marriages.

These Bills had all of them originated in the Upper House; they were thus supported by the united authority of the spiritual and temporal peerage. Nor, since 1703, had any bishop declared in Parliament marriage to be indissoluble. The chief change in the 1857 Divorce Bill suggested in the Lords was the Bishop of Oxford's amendment about the marriage of divorced persons. The Bill, having been thrown out, was reintroduced only to be sturdily resisted by the Chairman of Committees. Eventually the autocratic Redesdale carried his point, and the Commons made the best terms they could with the Lords. The predictions of Lords Ellenborough, Lyndhurst, and Redesdale as to the demoralisation of the Upper House, by fitting it up for a fashionable feminine lounge, advanced some way towards fulfilment between the years 1859-65. Alone among the peers, Lord Lansdowne really supported the abolition of the Paper Tax. His colleague in the Commons, Mr. Gladstone, had no more bitter opponent than the Prime Minister. Lady Palmerston brought down a brilliant party of peeresses to the gallery, in the declared hope of so over-awing the Lords that they should finally throw out the measure. This was probably the last occasion on which titled society organised a visible demonstration in its own particular Chamber to deter the senators from being popular legislators. What was the sequel? On July 5, 1860, Lord Palmerston, as Leader of the Commons, was actually constrained to bring forward the resolutions that define the existing relations of the hereditary to the elective Chamber. The declarations thus

placed on record asserted the resolve of the Commons so to frame their Bills as to render impossible the rejection by the Lords of what, like the Paper Duty measure, was in substance, though not in form, a money bill.

## CHAPTER XVIII

### A POPULAR PEERAGE

Long unity of Lords with Commons broken by differences about Irish Church—Evolution and material of State costume—Wigless prelates—Bishop Samuel Wilberforce—The Earl of Derby—Lord Cairns and the Duke of Richmond—Archbishop Magee—Archbishop Tait—The Earl of Beaconsfield—The Marquis of Salisbury—The Marquis of Bath—Peerages bestowed for other than political service—Israelitish members of the hereditary House—Peers' assertion of independence under Lord Salisbury—Popular elements in the Upper House—Lord John Russell's ideas—How the peerage helped Mr. Gladstone.

**A**FTER the episode of Paper Duty repeal, nothing broke the harmony between the two Chambers till Irish Church Disestablishment in 1868. During that incident, the chief personal interest in the Peers centred round Lord Granville, on the Ministerial side, round Lord Cairns, among the Opposition leaders, round the Primate, Archbishop Tait, as moderator; auxiliary to these were Bishop Samuel Wilberforce, then of Oxford, Lord Bath, and Lord Stanhope. Lord Stanhope, the historian in the Victorian age, could take in politics views as enlightened as, if less violent than, his eighteenth-century predecessor,

Charles, the third earl. That peer, from his revolutionary sympathies, was best known in his day as "Citizen Stanhope." Born in 1753, educated at Geneva, he had married Lady Hester Pitt, Chatham's daughter. To-day he is best known from Gillray's caricature, representing his brother-in-law, William Pitt, with a halter round his neck, held by the revolutionary earl. Than "Citizen" Stanhope's descendant, no peer of recent years has done more to associate the Upper House with the support of letters and art. The founder, under the Prince Consort, of the National Portrait Gallery, he was the discoverer of its accomplished curator, Sir George Scharf. The nineteenth-century Lord Stanhope shocked some Tory sensibilities by securing the excision from the Prayer Book of the special services for the fifth of November and the anniversary of the Restoration of the Stuarts. The fifth Lord Stanhope, at once the Amphitryon and Mæcenas of his epoch, used to possess pictures representing the costume of his order at different periods. Like Mr. Gladstone, he was disposed to think that the bishops had become less impressive personages since they ceased to wear their wigs. The first prelate to discard this headgear was Blomfield, of London; the last to retain it was Archbishop Sumner. For the general effect of any special costume formerly distinguishing the House, one must go to the National Gallery and the National Portrait Gallery respectively. Copley's "Death of Chatham" shows the Peers in 1778; "The Trial of Queen Caroline" shows them in 1820. At both dates the robes are universal.

These robes are said to be coeval with the revival

of the ducal title during the seventeenth century, by James I., for George Villiers. They are of scarlet cloth with white taffeta lining, with four ermine guards on each side, and are fastened on the left shoulder by a white ribbon. A cap of crimson velvet, white ermine-lined and gold-tasselled, completes the State costume. It is unnecessary to trace the gradations of magnificence in the apparel of peers of inferior dignity. Wilberforce, then of Oxford, was among the few active supporters of Irish disestablishment. "‘Soapy Sam,’" whispered some one, "is going the wrong way." "No," quickly replied Lord Chelmsford, "it is the road to Winchester"; and in the episcopal palace at Farnham, S. Oxon duly found himself before the end of 1869. The insistence by the Lords on their amendments brought the measure to the verge of wreckage July 21, 1869. Among the orators of the assembly, Lord Cairns ranked with Lord Derby and the Duke of Argyle. "The Rupert of Debate" was apt to surprise the House by the calm way in which he ignored the attacks of the furious dominie that the head of the Campbells sometimes resembled. Here was his explanation: "My lords, I saw the other day a gigantic navvy standing perfectly still while his wife pummelled him savagely. ‘You see, my lord,’ said the man, ‘it pleases her, and it don’t hurt me.’" Lord Cairns, on critical occasions, played the part of Lord Derby’s and Disraeli’s manager in the Peers, habitually filled by the Duke of Richmond. The personal contrast between the two was complete. The Duke had impressed two generations of peers as the personification of patrician respectability. The im-

passioned conviction of the great Irish lawyer, tempered by shrewd, clear and practical common sense, expressed itself with an eloquence at Westminster which stirred, as with a trumpet, the heart of Orange Ulster, and which rallied popular sentiment against the Gladstonian sacrilege. Lord Derby's effort was worthy of the Mr. Stanley of an earlier generation, whose knowledge of parliamentary defence was said by Macaulay to resemble an instinct. In this speech, one of the finest passages was a reproach to the Ministers of England for having quenched the light of spiritual truth in 1,500 parishes; some listeners discovered in those stimulating sentences an adaptation of a well-known portion of Sir Walter Scott's "Guy Mannering." Great, too, was the interest excited by the maiden utterance in the Peers of Magee, who had become a bishop in a way recalling a quasi-episcopal incident of the seventeenth century. South's ludicrous description of Oliver Cromwell had caused Charles II. to say to Rochester, "Oddsfish! we must have this fellow in the House of Lords." Magee's sermon in Dublin on the text, "They beckoned unto their partners in the other ship that they should come over and help them," had been heard both by Lord Derby, then Premier, and his House of Commons deputy, Disraeli. Said the former to Disraeli, as they left church, "This man must have the first bishopric we can give him." A. C. Tait became Primate during Disraeli's Premiership, though he did not entirely owe his position to that minister's initiative. Dr. Ellicott, of Gloucester, had been Disraeli's first suggestion to the queen; it was at once vetoed by the sovereign, and Tait sub-

stituted. Originally a little too academic in his manner and his phrasing for the assembly, Tait in 1869 had become one of its stateliest and most impressive orators. Both the Peterborough prelate and the Primate, though mutually differing on the measure, enjoyed the confidence of the Queen, who had always regarded Irish Disestablishment as inevitable. Subject to the royal suggestion, theirs was the co-operation that averted a more threatening collision between the two chambers than at any time since the 1832 Reform Bill. After the famous encounters between Lord Westbury and Bishop Samuel Wilberforce, the Upper House witnessed nothing better of its kind than the crossing of oratorical swords by the good Lord Shaftesbury, "the poor man's peer," as he might truly have been styled, and society's prelate, who explained his nickname of "Soapy Sam" by the remark, "You see, I am always getting into hot water, and always coming out of it with clean hands." The most amusing point in these verbal passages-of-arms were the droll refinements and quibbles practised by both. Represented by Lord Shaftesbury as having accused him of unbecoming words, the bishop was quick to explain: "My lords, I made no charge of the kind, I only wished to imply that expressions of this sort are sometimes apt to seem verging upon the unsavoury." It was Samuel Wilberforce who, at an earlier date, by his famous speech on the Corn Laws, had provoked Lord Fitzwilliam's reproof that such a display of episcopal eloquence in the Upper House was altogether contrary to rule. In later Victorian days, on other occasions than the Irish Church discussion, more than

any other spiritual peer, Magee laid himself open to a like censure.

"The young man's head is on fire," was the comment made by Disraeli on Lord Salisbury, then Lord Cranborne, resigning his place in the Cabinet over the 1867 Household Franchise Bill. The flame had practically burnt out before the head of the Cecils, largely at the instance of his wise and gifted wife, re-united his fortunes with Lord Beaconsfield as Foreign Secretary, some ten years later. *Apropos* of the oratorical style suited to the two Chambers respectively, Benjamin Disraeli had once said, "For the Lower we may take as our model a 'Don Juan,' for the Upper, 'Paradise Lost.' If I have time I intend to give a specimen of both." The Miltonic portion of the great career began February 20, 1877. The acoustical properties of the Upper House did not prove the disadvantage to Lord Beaconsfield that others had found them to be. Unlike Lord Salisbury, who often seemed to shout, Lord Beaconsfield, speaking in his old House of Commons' tone, was audible throughout the Chamber. At once the new peer was seen to be as entirely at home in his new surroundings as in his old. The speech itself had no brilliancy, no epigrams, only a few conventional facetiæ. One of the few jests Lord Beaconsfield afterwards allowed himself had for its subject his old opponent the albino, Robert Lowe, whom, after an implement of war then much talked about, he christened the Whitehead Torpedo. The first speech delivered by the Earl of Beaconsfield was a calm, business-like statement of the principles which had guided his policy in

Balkan affairs. The Further East supplied the theme of his last utterance. His powers were then visibly declining; when discussing the Indian frontier and Central Asia, he once or twice confused Herat with Quetta. He excited some little laughter by absently preparing to occupy, on the Treasury Benches, the seat of Lord Granville who, with his sweetest smile and in his silkiest voice, simply remarked, "Not quite yet, my lord."

Long before his retirement from the Premiership visibly approached, Lord Salisbury's position in the Upper House had firmly established itself as that of an embodiment of Elizabethan patriotism, statesmanship and eloquence, modernised for twentieth-century emergencies. The personal likeness between himself and those sixteenth-century ancestors, amid whose portraits he lived at Hatfield, was itself dramatically striking. Not less impressive seemed the intellectual resemblance. The sententious antitheses, condensing the experience of a lifetime, were the characteristic features of the great Lord Burleigh's eloquence. They reappeared in his descendant, relieved and modernised by the lighter touches of the *Saturday Reviewer*. For, by the irony of fate, like the despised statesmen of the French Republic, Robert Cecil had been trained for Parliament in the newspaper office. Under John Douglas Cook, Sir William Harcourt and Mr. John Morley received a similar preparation, with the same literary results perceptible in their speeches. Who but a *Saturday Reviewer*, turned Prime Minister, would have gravely recommended the travelling circus as an alternative to the parish council,

or have ridiculed the notion of a desire for strong drink being proportionate to the number of public-houses. "My lords, there are a good many bedrooms in my house at Hatfield; but I never feel more disposed to go to bed there than if I were in a lodging with only one." Bishop Wilberforce's desire socially to be "all things to all men," did not, as every one who knew him is aware, mean shallowness of religious conviction; so Lord Salisbury's occasional flippancy of phrase never detracted from his sagacious shrewdness as counsellor and mediator. "Bad opinion of the Bill?" exclaimed to a Tory malcontent the Duke of Wellington, about the Corn Law Repeal, "you can't have a worse opinion of it than I have; but the Queen's Government must be carried on." That was the habitual temper of Lord Salisbury; it characteristically coloured the few words of passively contemptuous misgiving, in which he advised the Peers not to prolong a difference with the other House over the Irish Land Bill of 1881. Like Lord Melbourne, Lord Salisbury was ever ready to act on the principle that it is not the business of an hereditary senate to place itself, upon any plea, in obstinate antagonism to an elective chamber, supported by public opinion. The practicable must prove also the most dignified, as well as the most expedient course. Thus with the County Franchise in 1884, having secured the one concession he considered essential, he co-operated with Mr. Gladstone in the new electoral settlement. The peer who, in this case, had helped Lord Salisbury and his House by taking the initiative, bore a title that may be described as suggesting

more than one chapter in the annals of the assembly.

"When I have turned out Walpole," said Pulteney, "I will retire into that hospital for invalids, the House of Lords." As we have seen, the two opponents entered it about the same time. "My Lord Bath," said Orford, on meeting his ancient adversary, "you and I have now become two of the most insignificant fellows in England." The nineteenth-century wearer of the Bath title, by acting as *amicus curiæ*, enabled the House of Lords and the House of Commons, personified respectively in Lord Salisbury and Mr. Gladstone, to crown the democratic structure which the fourteenth Lord Derby and Disraeli had completed by the Act of 1867. His ancestor, under James I., could secure the return of at least half the House of Commons, and was known throughout the country as the Prince Elector.

Even after the first talk of legislation that would send to St. Stephen's representatives of the people instead of the nominees of Peers, the Duke of Norfolk returned eleven members to the Commons, the Earl of Lonsdale nine, Lord Darlington seven the Duke of Rutland, the Marquis of Buckingham and Lord Carrington six apiece, and an Indian Prince, the Nabob of Arcot, eight. Once their patronage had ceased to create the Commons, the Lords began to rival the Commons in their representative character. The second Pitt's practical recognition of the claim to a peerage carried with it by £40,000 a year recruited the Upper House under George III. with 388 new members, largely taken from the commercial and the

middle classes. The Hereditary Senate had no sooner resigned all pretensions to oligarchy than it began faithfully to reflect the chief interests and activities of modern life. Since then, the assembly, while rejecting efforts at reform generally and life peerages in particular, has augmented its distinction and influence by incorporating the intellectual products most powerfully characteristic of its period. The peerages of Macaulay and Bulwer Lytton were political as much as literary. The same might be said of the later promotions judiciously bestowed on the managers and proprietors of two great newspapers, Lord Burnham and Lord Glenesk. Lord Tennyson's title, in 1884, was therefore the first bestowed for the national service rendered by the pen alone. Physicism had its votaries in the senate of the Restoration. Scientific research did not receive the highest recognition which the State can bestow before Lord Kelvin and Lord Lister were made free of a chamber which Lord Tennyson had already attended in silence. The Senate contained no professional artist till Lord Leighton, in 1896. Like Lord Avebury, the earlier scientific peers occasionally gave the chamber the benefit of their special knowledge on questions of national moment. Jewish blood may generally have flowed in some noble English veins. The Gower alliance with the daughter of Sir John Leveson, a prominent Wolverhampton Israelite, gives the Leveson-Gowers of to-day the broad lips and the hooked noses that are the family characteristics. A century ago the founder of the Compton fortunes married a Portuguese Jewess.

To-day the swarthy complexion and the marked features of the Marquises of Northampton may be explained by this family incident. But it was nearly a quarter of a century after the removal of Israelite disabilities that Lord de Rothschild's title first incorporated into the hereditary legislature a pure representative of the race which has become a controlling element in the social and political, as well as commercial, system of the time. Lord Goschen's viscountcy not only excited general gratification as the fitting reward of a great career ; in every Stock Exchange throughout the world it was instinctively felt to strengthen the claim of the House to be considered a first-class assembly of business men.

Socially the Upper House now forms the most august portion of the same part of the polite system as that comprehending the Athenæum Club. It has become, nominally by the sovereign's favour, instead of by a committee's selection, the meeting-ground of men belonging to all classes and all schools of thought, qualified for admission into it. The joint Committees of the two Houses upon Private Bills have taught the Commons and the public (*e.g.*, the 15 or 20 Tube Railway Bills, a year or two ago) how expense can be saved and proceedings hastened. The two Chambers have thus become business partners, rather than political rivals. By an apt coincidence, among the most recent and notable successions to the Upper House is that of a crucial instance of the twentieth-century intellectual business man, the Lord Stanley of Alderley who won distinction while yet Lyulph Stanley of Baliol. A Westminster Abbey, as it has

been called, for living celebrities, the hereditary senate has been popularly confirmed in its duties of legislative revision and arrest. This is a necessary and useful function. Nor in these days, as has been shown in the case of Ireland, can there be much danger of its not being exercised in accordance with, or even in anticipation of national opinion. The Victorian age was supposed to have marked the final surrender by the Peers to the Commons of all practical share in the legislative business. Before that epoch had entirely expired, the Upper House had experienced a revival equally unexpected and decisive. Here of course may be traced the influence of individual and strikingly representative peers, like Lord Rosebery, the general utility man and occasional orator of the Empire, or the Duke of Devonshire, the accepted embodiment of the national statesmanship and common sense. The chief agency, however, in the direction now spoken of is the emphatic lesson of experience that the modern descendants of the men who came forth conquerors from the long struggle against kingly despotism in the thirteenth century are still the most national among our historic growths. They are also found to be the most universally useful. Lord Salisbury provoked no criticism when, to every imperial post that fell vacant, a peer was appointed. The repeated disturbances and scandals of which the popular chamber has become the scene, are incidental to the disintegration of parties at St. Stephen's. The public has had more inducements than formerly to acquaint itself with the transactions of the Upper House. It realises the truth of a remark once

made by an English statesman (Lord John Russell) whose popular sympathies never permitted him to forget his patrician descent. Russell's words were as follows: "When a great question arises which requires a display of more than ordinary knowledge of history, of specially accurate learning, of constitutional wisdom particularly practical and sound, what is wanted can be found nowhere in greater perfection than on the episcopal bench, among the peers of three centuries of nobility, and the recent occupants of the Woolsack." The *Daily Telegraph* in its Gladstonian days was the creator of the "People's William." But for the historic Lord John, transformed in 1861 into Earl Russell, Mr. Gladstone would never have led a united Liberal Party. And, were he writing to-day, Lord John would have dwelt on the growing sympathy between the Upper House and the masses, guaranteed and cemented by the new elements infused into the peerage.

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